

From: (b)(6)  
To: JOINT INTAKE  
Cc: (b)(6)  
Subject: CRCL Short Form Complaint Notification (14-10-CBP-0319)  
Date: Monday, August 25, 2014 5:04:00 PM

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Dear Colleagues,

The DHS Office for Civil Rights and Civil Liberties is initially handling the below matter as a Short Form Complaint.

**CRCL Short Form Complaint: 14-10-CBP-0319**

(b)(6)

On July 7, 2014, CRCL received a Significant Incident Report from U.S. Department of Health and Human Services Office of Refugee and Resettlement (HHS ORR) regarding unaccompanied alien child (UAC) (b)(6) age 17. The UAC claims that during apprehension a BPA threw him to the ground and a thorn went in his eye, causing his eye to bleed. The UAC was taken to the hospital the next day and treated but he explains that the thorn was not removed, because the eye was too inflamed. HHS ORR medical records diagnosed the UAC's left eye with conjunctivitis and removed. The UAC states that the thorn was not removed until he was in HHS ORR custody. EARM records note that the UAC appeared and claimed to be healthy, and does not note any medical issues or injuries.

Additionally, the UAC claims that he was in CBP custody a total of 9 days. According to EARM records, the UAC was apprehended near Falfurrias, Texas in the Rio Grande Valley Sector and taken to Falfurrias Station for processing on June 9, 2014. EARM records indicate that on June 15, 2014 the UAC was transferred to HHS ORR custody.

Please review the circumstances of this incident as it pertains to the allegations and provide CRCL with the following information:

1. (b)(5)
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

(b)(5)

Please provide your response to me at (b)(6)@hq.dhs.gov. Thank you for your assistance with this request.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials for abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may generate are outlined in DHS Management Directive 3500. More particularly, 42 U.S.C. § 2000ee-1(d) grants this Office access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to “[i]nterview[] persons and obtain[] other information deemed by CRCL to be relevant and require[] cooperation by all agency employees” and to “[a]ccess[] documents and files that may have information deemed by CRCL to be relevant.” All communications and information submitted to CRCL are protected to the maximum extent possible by the attorney-client and deliberative process privileges. However, CRCL is required, under 6 U.S.C. § 345(b), to submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.” Finally, 42 U.S.C. § 2000ee-1(e) prohibits reprisals or threats of reprisal by a federal employee for making complaints to CRCL or for disclosing information to CRCL in the course of its investigations. The request for information above is done in accordance with these authorities.

(b)(6)

Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6)

(b)(6)@hq.dhs.gov



**Homeland  
Security**

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From: (b)(6)  
To: (b)(6)  
Subject: RE: CRCL Short Form Complaint: 14-10-CBP-0319  
Date: Wednesday, September 03, 2014 1:29:00 PM  
Attachments: 07.07.2014 (b)(6) HHS ORR.PDF

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Hello SSA (b)(6)

Apologizes, for the delay in response. I have attached the original complaint form that CRCL received. I will also follow-up with a call momentarily.

Thank you

(b)(6)

Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6)

(b)(6)

[hq.dhs.gov](http://hq.dhs.gov)



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From: (b)(6) [ce.dhs.gov]  
Sent: Tuesday, September 02, 2014 11:44 AM  
To: (b)(6)  
Subject: CRCL Short Form Complaint: 14-10-CBP-0319

I have been assigned a case involving:

**CRCL Short Form Complaint: 14-10-CBP-0319**

(b)(6)

Please call me at your earliest convenience to discuss the matter, I also need to obtain the short form complaint form that was filed and any other pertinent documents that you all may have obtained to date.

(b)(6) (Cell) best way to reach me.

SSA (b)(6)

OPR (b)(6)

(b)(6) Senior Special Agent

Office of Professional Responsibility, Homeland Security Investigations, Harlingen, TX, 78550

Office: (b)(6) Cellular: (b)(6) Fax: (b)(6)

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and/or legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this communication in error, please reply immediately to the sender and delete this message. Thank you.



(b) (6)

**From:** (b) (6) [aicestexas.org]  
**Sent:** Monday, January 24, 2011 2:32 PM  
**To:** CRCL  
**Subject:** Re: Complaint No. 11-02-ICE-0052

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To Whom It May Concern:

I received a letter dated January 24, 2011 concerning the above mentioned complaint filed on behalf of (b)(6). I would like to notify the Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL), that this young man was detained by DHS in a shelter for minors, and has been released to a sponsor. Unfortunately, I no longer have contact with him.

Sincerely,

(b) (6)

*BIA Accredited Representative  
Pro Bono Coordinator*

Refugee and Immigrant Center  
for Education and Legal Services  
1305 N. Flores Street  
San Antonio, TX 78212  
TEL: (210) 412-8498  
E-FAX: (210) 212-4856

Confidentiality Notice: The information contained in this e-mail and any attachments may be legally privileged and confidential. If you are not an intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify the sender and permanently delete the e-mail and any attachments immediately. You should not retain, copy, or use this e-mail or any attachment for any purpose, nor disclose all or any part of the contents to any other person. Thank you.

(b)(6)

**From:** (b)(6)@firrp.org  
**Sent:** Friday, January 28, 2011 3:57 PM  
**To:** CRCL  
**Subject:** Complaint No. 11-01-CBP-0016, No. 11-02-CBP-0043, No. 11-01-CBP-0019

To Whom It May Concern:

Please send any correspondence regarding the complaints:

Complaint No. 11-01-CBP-0016 on behalf of Two Anonymous Unaccompanied Minors

Complaint No. 11-02-CBP-0043 on behalf of (b)(6)

Complaint No. 11-01-CBP-0019 on behalf of (b)(6)

to this email address, or correspond by mail to:

(b)(6)

Florence Immigrant and Refugee Rights Project  
202 E McDowell Rd., Ste 250  
Phoenix, AZ 85004

I can also be reached by phone at (b)(6)

Thank you very much.

Sincerely,

(b) (6)

*Compton Mentor Fellow  
Florence Project  
Phoenix Office:  
202 E. McDowell Road #250  
Phoenix, AZ 85004*

(b)(6)

602-340-0596 (Fax)



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OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
REFERRED COMPLAINT ASSISTANCE FORM

REFERRED COMPLAINT ASSISTANCE	
Assigned To:	Customs and Border Protection
Requested From:	DHS Headquarters Office for Civil Rights and Civil Liberties (CRCL)
POC:	(b)(6)
Date Referred to CBP:	May 24, 2011
Deadline to CRCL:	Within 180 days of the date on the attached memo.
CRCL Complaint No:	11-05-CBP-0144, 3 Women at Tucson Border Patrol Facility
SYNOPSIS	
<p>On February 23, 2011, CRCL received email correspondence from (b)(6) of No More Deaths, on behalf of (b)(6) and two others held together at the Tucson Border Patrol Station, around January 29, 2011. The women allege they witnessed another woman in their cell coughing until she vomited; the officers refused to do anything to assist, and stated, "Que se muera!" (Let her die). The women state that they later found out that the coughing woman had asthma, but that agents confiscated her inhaler and refused to return it to her. (b)(6) stated that the officer who said "que se mera" had a name badge of (b)(6). The women also reported that eight women in their cell only received three burritos even though they were in custody over twenty-four hours, and when the agent provided them, he did so by throwing them onto the ground. When the women requested more food, the USBP agent allegedly told them, "No es una fiesta!" (This is not a party). (b)(6) also stated that during processing and after apprehension, she witnessed a USBP agent throw a man into a wall so forcefully that he lost a tooth: (b)(6) said the man was ignored by a USBP supervisor who he yelled to for help.</p>	
ISSUES/ALLEGATIONS	
Issues/Allegations to be addressed in CBP's Fact Finding Report/ROI submitted to DHS CRCL:	<ul style="list-style-type: none"><li>(b)(5)</li><li></li><li></li><li></li><li></li><li></li><li></li><li></li></ul>
Information/Documents requested by DHS CRCL:	<ul style="list-style-type: none"><li>Statements from the USBP supervisors and agents assigned to the Tucson Border Patrol Station on January 28-30, 2011, regarding the allegations.</li><li>Duty logs showing if there was a USBP agent with a name similar to (b)(6)</li></ul>

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**OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
REFERRED COMPLAINT ASSISTANCE FORM**

(b)(6) on duty at the Tucson Border Patrol Station at any time from January 28 – 30.

- All serious incident reports from the Tucson Border Patrol Station dated January 28- 30, 2011.
- All property records demonstrating the confiscation of an inhaler on or around January 28-30, 2011 at the Tucson Border Patrol Station.
- Copies of all USBP policies or guidance on procedures for collecting, storing, and allowing detainees to access medications they had when apprehended that are needed for a reported medical condition.
- Copies of all policies and procedures for providing medical treatment to detainees who demonstrate medical concerns while in USBP custody, such as severe coughing or vomiting.
- Copies of all Tucson Station feeding logs for meals provided to detainees during the 24-hour-period of January 29, 2011, as well as a description of the types of food provided at the Station during that time, and the Station's policy for providing additional food if an individual makes a request.
- Copies of any medical complaints or requests for medical attention related to a missing or broken tooth on or around January 28-30, 2011 at the Tucson Border Patrol Station.

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Security**

May 24, 2011

(b)(6)

No More Deaths / No Más Muertes  
c/o St. Mark's Presbyterian Church  
3809 E. 3<sup>rd</sup> Street  
Tucson, AZ 85716

Re: Complaint No. 11-05-CBP-0144, 3 Women at Tucson Border Patrol Facility

Dear (b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) received information from you on February 23, 2011, concerning the treatment of multiple individuals by employees or officials of U.S. Customs and Border Protection (CBP) in Arizona, during January 2011.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL has the responsibility to review and assess complaints against Department of Homeland Security (DHS) employees and officials concerning violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion.

CRCL takes allegations of violations of civil rights and civil liberties very seriously. We have determined that your allegations should be investigated by CBP, a component of DHS, which will report its findings to CRCL. CBP will conduct an investigation of one or more of the concerns that you have raised:

- Whether USBP at the Tucson Border Patrol Station confiscate individuals' inhalers during processing, and whether these items have been denied to detainees when they have reported they are suffering an asthma attack;
- Whether USBP policy exists, allowing individuals access to their medication and inhalers while in USBP custody;
- Whether appropriate quantities of food are allotted to individuals at the Tucson Border Patrol Station, and whether agents throw food for the individuals in custody onto the ground.
- Whether USBP agents physically abused a detainee at the Tucson Station, causing him to lose a tooth, on or around January 29, 2011?

We will review CBP's findings and assess compliance with civil rights requirements in these areas. The purpose of this process is to determine if your allegations raise issues that should and can be addressed by the management of DHS.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf or that of the individuals mentioned in your correspondence. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe the rights of the individuals mentioned in your complaint have been violated, you may wish to advise them to consult an attorney. There may be time limitations that govern how quickly they need to act to protect their interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

CBP or CRCL will contact you if additional information is needed or to report on the Department's review of this matter. If you have any questions concerning this referral, you may contact CRCL by phone at 866-644-8360, 866-644-8361 (TTY), or by email at [crcl@dhs.gov](mailto:crcl@dhs.gov). When you communicate with us, please include the complaint number. In addition, it is very important to notify us of any changes in your address or telephone number.

We thank you for your complaint; inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. You can expect to receive a letter from us informing you how the Department concluded this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeffrey S. Blumberg', with a stylized, flowing script.

Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security





**Homeland  
Security**

May 24, 2011

MEMORANDUM FOR: (b) (6)  
Office of Internal Affairs  
U.S. Customs and Border Protection  
(b)(6)@dhs.gov

(b) (6)  
Chief Counsel  
U.S. Customs and Border Protection

FROM: Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties

(b) (6)  
Attorney Advisor  
Office of General Counsel

SUBJECT: Complaint No. 11-05-CBP-0144  
3 Women at Tucson Border Patrol Facility

The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that U.S. Customs and Border Protection (CBP) has violated individual's civil rights or civil liberties. The purpose of this memorandum is to notify you of the complaint and to inform you that we are referring this complaint to CBP for investigation. We request that the appropriate office within your component complete an inquiry into the enclosed complaint within 180 days of the date of this referral. Please see the attached Referred Complaint Assistance Form for guidance regarding this inquiry.

*CRCL authorities.* Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may engender are outlined in Department of Homeland Security (DHS) Management Directive 3500. We have received information concerning the above listed complaints that may fall under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1. *Access to information.* More particularly, 42 U.S.C. § 2000ee-1(d) grants CRCL access to the "information, material, and resources necessary to fulfill the functions" of the

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office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

- “Notify[] the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview[] persons and obtain[] other information deemed by CRCL to be relevant and require[e] cooperation by all agency employees”; and
- “Access[] documents and files that may have information deemed by CRCL to be relevant.”

*Reprisals forbidden.* In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the Referred Complaint Assistance Form are pursuant to these authorities.

*Privilege and required transparency.* Our communications with CBP personnel and documents generated during this review, particularly the final report, will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 6 U.S.C. § 345(b), however, we submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.”

When the inquiry is complete, please contact CRCL with your component’s findings and recommendations. CRCL will review the matter in accordance with our mission to assist DHS to secure the Nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with your staff on this matter, will notify you when we have closed this complaint, and will provide you with any recommendations resulting from this complaint.

If you have any questions concerning this referral, please do not hesitate to contact my colleague, (b)(6) by phone at (b)(6) 866-644-8360 (TTY), or by email at

(b)(6)

Copies to:

(b) (6)

Executive Director, Office of Diversity and Civil Rights  
U.S. Customs and Border Protection

(b)(6)

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2

(b) (6)

Chief of Staff, Office of Border Patrol

U.S. Customs and Border Protection

(b)(6)

(b) (6)

Assistant Chief, Office of Internal Affairs/IOD

Office of Border Patrol

U.S. Customs and Border Protection

(b)(6)

Enclosures

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3





Homeland  
Security

June 20, 2011

MEMORANDUM FOR:

(b) (6)

Joint Intake Center  
U.S. Customs and Border Protection

(b) (6)

Chief Counsel  
U.S. Customs and Border Protection

FROM:

Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties

(b) (6)

Attorney Advisor  
Office of General Counsel

SUBJECT:

Complaint No. 11-05-CBP-0141

(b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that U.S. Customs and Border Protection has violated an individual's civil rights or civil liberties. The purpose of this memorandum is to notify you of the complaint and to inform you that we are referring this complaint to U.S. Customs and Border Protection for investigation. We request that the appropriate office within your component complete an inquiry into the enclosed complaint/s within 180 days of the date of this referral. Please see the attached Referred Complaint Assistance Form for guidance regarding this inquiry.

*CRCL authorities.* Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may engender are outlined in Department of Homeland Security (DHS) Management Directive 3500. We have received information concerning the above listed complaint that may fall under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1.

*Access to information.* More particularly, 42 U.S.C. § 2000ee-1(d) grants CRCL access to the "information, material, and resources necessary to fulfill the functions" of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

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- “Notify[] the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview[] persons and obtain[] other information deemed by CRCL to be relevant and require[e] cooperation by all agency employees”; and
- “Access[] documents and files that may have information deemed by CRCL to be relevant.”

*Reprisals forbidden.* In addition, 42 U.S.C. § 2000ee-1(c) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the Referred Complaint Assistance Form are pursuant to these authorities.

*Privilege and required transparency.* Our communications with ICE personnel and documents generated during this review, particularly the final report, will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 6 U.S.C. § 345(b), however, we submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.”

When the inquiry is complete, please contact CRCL with your component’s findings and recommendations. CRCL will review the matter in accordance with our mission to assist DHS to secure the Nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with your staff on this matter, will notify you when we have closed this complaint, and will provide you with any recommendations resulting from this complaint.

If you have any questions concerning this referral, please do not hesitate to contact my colleague,

(b)(6) by phone at (b)(6) 866-644-8360 (TTY), or by email at (b)(6)@dhs.gov.

Copies to:

(b)(6)  
Executive Director, Office of Diversity and Civil Rights  
U.S. Customs and Border Protection  
(b)(6)@dhs.gov

(b)(6) (Only copy in e-mail)  
(b)(6)@dhs.gov

Joint Intake Center  
(b)(6)@dhs.gov

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Family Name (CAPS) (b)(6)		First	Middle
Country of Citizenship MEXICO	Passport Number and Country of Issue (b)(6)	File Number (b)(6)	
U.S. Address FAILED TO PROVIDE			
Date, Place, Time, and Manner of Last Entry 01/27/2011, 1226, 3 mile(s) E of DOU, PWA (A FOOT)		Passenger Boarded at:	
Number, Street, City, Province (State) and Country of Permanent Residence (b)(6) MEXICO			
Date of Birth (b)(6)	Age (b)(6)	Date of Action 01/27/2011	Location Code TCA/DGL
City, Province (State) and Country of Birth CHIAPAS, MEXICO, MEXICO		AR <input checked="" type="checkbox"/>	Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>
NIV (Issuing Post and NIV Number)		Social Security Account Name	
Date Visa Issued		Social Security Number	
Immigration Record POSITIVE - See Narrative		Criminal Record	
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)		Number and Nationality of Minor Children CLAIMS NONE	
Father's Name, Nationality, and Address, if Known See Narrative		Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative	
Monies Due Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks See Narrative
Name and Address of (Last/Current) U.S. Employer		Type of Employment	Charge Code Word(s) I7A1
		Salary	Employed from to Hr
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FING # (b)(6) (b)(6) (b)(6) (b)(6) Left Index Print Right Index Print			
ARREST COORDINATES: ----- Latitude: 31.3505 Longitude: -109.31189  CONSEQUENCE DELIVERY SYSTEM: ----- Program: SERA			
Alien has been advised of communication privileges: _____ (Date/Initials)		(b)(6) BORDER PATROL AGENT (Signature and Title of Immigration Officer)	
Distribution:  Orig. to the file cc: CPA TCA CC: TUS Stats		Received: (Subject and Documents) (Report of Interview) Officer: (b)(6) on: January 27, 2011 at 1930 (Time) Disposition: Expedited Removal (I-860) Examining Officer: (b)(6)	



Alien's Name (b)(6)	File Number (b)(6) Event No: (b)(6)	Date 01/27/2011
------------------------	---	--------------------

FATHER NAME AND ADDRESS:  
-----  
Nationality: MEXICO (b)(6)  
DOMICILIO CONOCIDO  
CHIAPAS, MEXICO, MEXICO

MOTHER NAME AND ADDRESS:  
-----  
Nationality: MEXICO (b)(6)  
DOMICILIO CONOCIDO  
CHIAPAS, MEXICO, MEXICO

FUNDS IN POSSESSION:  
-----  
United States Dollar (b)(6)

RECORDS CHECKED:  
-----  
CIS Negative  
EARM Positive  
IAFIS Positive  
NCIC Positive  
TECS Negative

NARRATIVE:  
-----  
CRIMINAL HISTORY: See records.  
  
IMMIGRATION HISTORY: See records.  
  
ENCOUNTER:  
A Border Patrol Agent encountered this subject in the District of Arizona. A Border Patrol Agent determined this subject had unlawfully entered the United States of America from the United States of Mexico, at a time and place other than as designated by immigration officers of the United States of America. After determining that this subject was an alien who illegally entered the United States, the subject was arrested and transported to the Tucson Sector Coordination Center for further processing using the (b)(7)(E) (b)(7)(E)

CRIMINAL VIOLATION:  
At the Tucson Sector Coordination Center, the subject was advised of her administrative rights. The subject acknowledged understanding these rights and agreed to answer questions and give a sworn statement. The subject again stated she was a citizen and national of Mexico without the necessary legal documents to enter, pass through, or to

Signature (b)(6)	Title BORDER PATROL AGENT
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2 of 3 Pages

Alien's Name (b)(6)	File Number (b)(6)	Date 01/27/2011
Event No: (b)(6)		
<p>remain in the United States. The subject also admitted to illegally crossing the international boundary without being inspected by an immigration officer at a designated Port of Entry.</p> <p><b>CONSULAR NOTIFICATION:</b> The subject was notified of the right to communicate with a consular officer from her country as per Article 36(a)(b) of the Vienna Convention of Consular Relations. The subject acknowledged understanding the right but declined to speak with anyone at this time. The subject further stated she does not fear persecution or torture if returned to her country of citizenship.</p> <p><b>DISPOSITION:</b> Subject is being processed for Expedited Removal. Service Form I-867 A/B was read and explained to the subject. Subject was apprehended within fourteen days of her last entry into the United States and within 100 air miles from the United States / Mexico international boundary.</p> <p>Subject will be transported and returned to Mexico through the Nogales, Arizona Port of Entry.</p> <p>Subject was a candidate and participant in SERA (Structured Expedited Removal Advisement).</p>		
Signature (b)(6)	Title BORDER PATROL AGENT	

3 of 3 Pages

## Form I-216, Record of Persons and Property Transferred

DATE OF TRANSFER: January 28, 2011

FROM: TCC

TO: NOG POE

A-Number	Name of Person	Sex	Country of Citizenship	DOB	(1) Status	(2) Crime	(3) Classification Level	(4) Medical Status	IDENT/ FINS	(5) G-589 (s)	US Dollar(s) Foreign Currency	I-77	BOP /USM /FBI #
A	(b)(6)	M	MEXIC	(b)(6)					(b)(6)		USD 7.00; MXN 550.00;		
A	(b)(6)	F	MEXIC								USD .00; MXN .00;		
A	(b)(6)	M	MEXIC									3163116	
A		M	MEXIC									4036903	
A		M	MEXIC									3146505	
A		M	MEXIC									3148629	
A		F	MEXIC										
A		F	MEXIC										
A		F	MEXIC										
A		F	MEXIC									4339930	
A		F	MEXIC										
A		F	MEXIC										
A		F	MEXIC									3563186	

Received the above listed persons, property and baggage checks.

(1) Indicate whether R = Removal (Deport/Exclude); V = Voluntary Return or Departure; T = Transfer; B = Bond Out; S = Street Release

(2) Explain: conviction for \_\_\_\_, dangerous, likely to escape, etc.

(3) Classification Level (1-3) + Restraint Group (A-C) e.g. 1A, 2C, 3B, etc. \*

(4) Indicate medical status: diseased, epileptic, insane, etc.

(5) Make sure the G-589 invoice number lines up with the currency amount in the next column.

Use a separate line for each person transferred.

Signature: \_\_\_\_\_

Printed Name and Title: \_\_\_\_\_

Transfer Authorized By: \_\_\_\_\_

Place and Date: 01/28/2011



DUTY ASSIGNMENT SHEET

SPECIAL ASSIGNMENTS OR LEAVE

(b) (7)(C)

DUTY ASSIGNMENT SHEET

(b) (7)(C)

# Tucson Sector

## Coordination Center

### Meal Policy

10/28/10

- All arriving detainees will be offered snack crackers and a juice box upon arrival at the TCC.
- All detainees will be fed three (3) times a day. Meal times will be 0400-0500, 1200-1300, and 2000-2100. A meal consists of a cheeseburger, chicken sandwich, or salad; a juice box; and package of snack crackers.
- All uneaten food will be collected and discarded within one hour after it is has been passed out. The detainees will be notified fifteen (15) minutes prior to each clean up and retrieval of uneaten food. This notification will be made at each mealtime.
- Detainees will be offered snacks and juice every four hours. As snack crackers and juice are provided at 0400, 1200, and 2000, the time designated for snacks and juice outside of regular meal times will be: 0800, 1600, and 2400. Juveniles (under 18 years old) and pregnant women will be given an additional hot meal at these designated snack times. Border Patrol Hold Rooms and Short Term Custody Policy (04/02/2008)
- Juveniles, small children, toddlers, babies, and pregnant women will have regular access to snacks, milk, juice and other food items at all times. Other food items will include: baby formula and bottles, infant cereal, fruit cups, soup, Jello snack cups. Border Patrol Hold Rooms and Short Term Custody Policy (04/02/2008)
- The welfare of all juveniles will be checked at all meal and snack times to ensure all their needs are met. Special care will be taken to ensure they have access to toilets and sinks, drinking water and food, emergency medical assistance, adequate temperature control and ventilation, and adequate supervision to protect juveniles from others. These welfare checks will be logged with their corresponding meals. William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (03/20/2009).
- Adult detainees in custody more than 24 hours, or detainees with dietary restrictions, will be offered a chicken sandwich or salad as a substitute for a hamburger.
- Any meal requests outside of the above outline will be referred to a Border Patrol Supervisor.

Approved,



H-29



From: (b)(6)  
To: (b)(6)  
Cc: (b)(6)  
Subject: FW: ICE SIR (b)(6)  
Date: Thursday, October 13, 2011 3:30:30 PM

---

(b)(6)

This is the ORR response re the Facebook issue with the BPA and the minor.

(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005

(b)(6)

(b)(6) [dhs.gov](http://dhs.gov)



Homeland  
Security

---

From: (b)(6) (ACF) [mailto:(b)(6)@dhs.gov]  
Sent: Thursday, October 13, 2011 3:26 PM  
To: Murphy, Moreen  
Subject: RE: ICE SIR (b)(6)

(b)(6)

The program reports that the child alleged that officer would "friend" the child on his (officer's) account. The child did not have his own face book account. I suppose the only way to check this out is to find out if the officer has a Face Book account.

(b)(6)

DHHS/ACF/ORR/DUCS  
Federal Field Specialist Supervisor  
2900 Louisiana Street  
Houston, TX 77006

(b)(6)

[www.acf.hhs.gov/programs/orr/](http://www.acf.hhs.gov/programs/orr/)

---

From: (b)(6) [mailto:(b)(6)@dhs.gov]  
Sent: Wednesday, October 05, 2011 12:00 PM  
To: (b)(6) (ACF)  
Subject: RE: ICE SIR (b)(6)

How about it? Can it be done?

(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005

(b)(6)

(b)(6)

hs.gov



Homeland  
Security

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---

From: (b)(6) (ACF) [mailto:(b)(6)@acf.hhs.gov]  
Sent: Tuesday, September 13, 2011 11:48 PM  
To: (b)(6)  
Subject: RE: ICE SIR (b)(6)

Hi (b)(6)

Good idea below - I am asking the shelter for this.

(b)(6)

DHHS/ACF/ORR/DUCS  
Federal Field Specialist Supervisor  
2900 Louisiana Street  
Houston, TX 77006

(b)(6)

[www.acf.hhs.gov/programs/orr/](http://www.acf.hhs.gov/programs/orr/)

---

From: (b)(6) [mailto:(b)(6)@hhs.gov]  
Sent: Monday, September 12, 2011 11:26 AM  
To: (b)(6) (ACF)  
Subject: RE: ICE SIR (b)(6)

I have an idea. Can the facility or the minor take a screen shot of the facebook page where the agent requested him as a friend?

---

From: (b)(6) (ACF) [mailto:(b)(6)@cf.hhs.gov]  
Sent: Saturday, September 10, 2011 3:07 PM  
To: (b)(6)  
Subject: FW: ICE SIR (b)(6)

(b)(6)

The facility reported the SIR below over a week ago but the SIR is not showing up in our (b)(7)(E)  
I don't want it to slip by without being reported to you so a synopsis is provided below. I will ask the

shelter to find out why the SIR is not showing up. (Note he was in Phoenix but he is now in Houston.)

(b)(6)

DHHS/ACF/ORR/DUCS  
Federal Field Specialist Supervisor  
2900 Louisiana Street  
Houston, TX 77006

(b)(6)

[www.acf.hhs.gov/programs/orr/](http://www.acf.hhs.gov/programs/orr/)

**Synopsis of Incident :**

On 08/23/2011, the client disclosed to clinician (b)(6) that one of the two immigration officers who assisted in transporting the client from Texas to Phoenix, befriended the client on Facebook. The client stated that he witnessed the officer request the client as a friend on Facebook and that the officer allowed the client to use his phone so the client could accept the friend request. The client reported that he is not aware of the officer's name and stated that he could not confirm remembering what the officer looked like.

**Resolution and Follow-Up :**

Clinician will continue to meet with client to provide emotional support.





FLORENCE  
IMMIGRANT  
& REFUGEE  
RIGHTS PROJECT

2801 N. Pinal Pkwy  
P.O. Box 654  
Florence, AZ 85232  
Tel: 520.868.0191  
Fax: 520.868.0192  
Web: www.firrp.org

October 29, 2010

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Review and Compliance  
245 Murray Lane, SW  
Building 410, Mail Stop #0190  
Washington, DC 20528

VIA FACSIMILE

To Whom It May Concern,

This letter is an official complaint on behalf of (b)(6) regarding his treatment by the Border Patrol (BP) at the time of his arrest, submitted by the Florence Immigrant and Refugee Rights Project (FIRRP). (b)(6) a seventeen year old citizen of Guatemala, was arrested at around 10 am on or around September 31<sup>st</sup> after walking for eight days in the desert near Altar, Sonora. From the beginning, BP agents were aware of his status as an unaccompanied minor. (b)(6) states that he was apprehended in the desert on or around September 31<sup>st</sup> at around 10 AM by four BP agents on horseback. During the course of the apprehension, (b)(6) was sitting on the ground removing his shoes. He was in the middle of this process when a BP agent caught him, yelled at him to get up, and then, for no apparent reason, punched him in the nose so that it started bleeding. The agent then handcuffed (b)(6) with metal handcuffs, and made him and the rest of his group walk in the desert for two hours. For one of these hours, they were not permitted to drink water, and (b)(6) states that he was very thirsty. Once in detention, (b)(6) was detained with other minors and fed three times a day. He states that it was very cold, and that although he was provided a blanket, it was dirty. He was never given any medical attention for his nose, and was told to sign papers without knowing what they were.

As an organization that provides legal assistance and advocates on behalf of unaccompanied minors who are under the care of the Office of Refugee Resettlement in Arizona, we are deeply concerned that the BP's treatment of (b)(6) both at the time of his arrest and during detention was in direct violation of the Flores Settlement Agreement and (b)(6) basic civil and human rights. Regarding the incident at the time of (b)(6) arrest, 8 C.F.R. 287.8 specifically states that, "a designated immigration officer shall always use the minimum non-deadly force necessary to accomplish the officer's mission and shall escalate to a higher level of non-deadly force only when such higher level of force is warranted by the actions, apparent intentions, and apparent capabilities of the suspect, prisoner, or assailant." It is unclear to us why it was necessary to punch (b)(6) in the nose, seeing as he was not resisting arrest or behaving in a threatening manner. Furthermore, this incident appears to also violate paragraph eleven of the Flores Settlement Agreement which states, "INS treats, and shall continue to treat, all minors in its custody with dignity, respect and special concern for their particular vulnerability as minors". Following this, Article V lays out a bare minimum





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& REFUGEE  
RIGHTS PROJECT

2601 N. Pinal Pkwy  
P.O. Box 654  
Florence, AZ 85232  
Tel: 520.868.0191  
Fax: 520.868.0192  
Web: www.firrp.org

for detention standards, including adequate temperature control, emergency medical care, and sufficient food and water. According to (b)(6) account, it does not appear that these standards were honored to their full extent.

In addition to (b)(6) treatment during his arrest and the conditions in which he was detained, I would like to highlight the issue of language. At the time of his arrest, (b)(6) spoke very minimal Spanish, being a native speaker of Quiche. Since he has been in the shelter in Phoenix, he has learnt a good deal of Spanish from the other children. However, even at the time of my initial interview with (b)(6) I had to utilize an interpreter because his Spanish skills were not sufficient to carry out a conversation in that language. (b)(6) states that the Border Patrol never provided him a Quiche interpreter, and that he did not really understand what was happening to him while in BP detention. Though language is not explicitly addressed in the Flores Settlement or the Juvenile Protocol Manual, it seems to us that clear communication is an essential component of treating minors with dignity and respect. In addition, an added sensitivity to the fact that many children being apprehended do not necessarily understand Spanish is crucial in making sure that officers do not resort to physical abuse of children while they are being apprehended.

Attached is a formal declaration by the concerned minor, detailing the abuse he experienced with as much detail as he can remember. Also attached is a consent form giving the Florence Project authority to receive personal information regarding (b)(6) (b)(6) case with your office and any related information regarding this incident or abuse and its subsequent investigation. We request that any copies of any correspondence with Pedro regarding this complaint be sent to our office as well.

We hope that this incident will be promptly investigated and forwarded on to the appropriate bodies such that proper action can be taken to prevent similar incidents from occurring in the future. Please do not hesitate to contact the Florence Project with any questions or concerns you might have regarding this complaint. We welcome the opportunity to meet with you and further assist you in resolving this issue.

Thank you for your attention to this important matter and for your assistance in ensuring that unaccompanied minors taken into Immigration custody along the Arizona/Sonora border are treated in accordance with our laws and common standards of human dignity.

Sincerely,

(b) (6)

(b)(6)

Compton Mentor Fellow, Children's Initiative  
The Florence Immigrant and Refugee Rights Project  
202 E. McDowell Road #250  
Phoenix, AZ 85004  
(b)(6)  
Fax: 602-340-0596



FLORENCE  
IMMIGRANT  
& REFUGEE  
RIGHTS PROJECT

2601 N. Pinal Pkwy  
P.O. Box 654  
Florence, AZ 85232  
Tel: 520.868.0191  
Fax: 520.868.0192  
Web: www.firrp.org

Attachments:

-Affidavit of Alleged Abuse of (b)(6)

-Release of Information, signed by (b)(6)

963

-Certificate of Translation



### Affidavit of Abuse

I, (b)(6) do swear under penalty of perjury that the following declaration is true and correct to the best of my knowledge and that it has been read to me in Spanish.

1. I am 17 years old, a native and citizen of Guatemala, and a native speaker of Quiche. At the time of my arrest, I told the Border Patrol (BP) my true age and nationality.
2. I crossed the desert into the United States near Altar, Sonora, on or around September 23<sup>rd</sup>, with a group of around 13 people, including a guide.
3. We walked for 8 days before the Border Patrol discovered us. On the eighth day at around 10 AM, we were walking and four Border Patrol agents on horseback found us.
4. I did not run away. When they came for us, I was sitting down, taking off my shoes. I had already gotten one off and I was working on another when a Border Patrol agent got hold of me. He told me to get up, and then he punched me in the nose. It started bleeding and hurt a lot. I am not sure why he did this.
5. After he punched me, the BP agent took me by the hands and handcuffed me with metal handcuffs.
6. The BP agents caught everyone in the group, and then they made us walk in the desert for two hours until the car came to pick us up. They wouldn't let us drink water for the whole first hour, and I was very thirsty.
7. We were taken to the Tucson BP station, where I was detained for one day and one night. I was given a hamburger, juice and crackers three times a day, and was also provided with drinking water. It was very cold in the cell, and although the BP agents gave me a blanket, it was dirty. I slept on a thin mattress on the floor in a room with other minors.
8. Even though my nose was bloody, I was not given any medical attention.
9. I signed some papers, but I am not sure what language they were in and I did not understand what they were. The BP never explained the papers to me, but told me that if I signed them, I could go with the minors.
10. I was not given the chance to make any phone calls while in detention. Additionally, even though I speak Quiche, I was never provided an interpreter.
11. Finally, on October 1<sup>st</sup>, 2010, I was transferred to the shelter in Phoenix, AZ where I am now.

Executed in Phoenix, Arizona on November 17, 2010.

(b)(6)

Date: 11/17/2010

I, (b)(6), A# (b)(6),  
authorize the United States Department of Homeland Security to share personal  
information regarding this official complaint with the Florence Immigrant and Refugee  
Rights Project.

*Yo autorizo al Departamento de Seguridad Nacional de los Estados Unidos a compartir  
información personal respecto a esta queja oficial con el Proyecto Florence para los  
Derechos de Inmigrantes y Refugiados.*

(b)(6)

Date:

11/17/2010



CERTIFICATE OF TRANSLATION

I, (b)(6), certify that I am competent to translate the foregoing declaration of (b)(6), originally made before me in Spanish, and that the translation is true and accurate to the best of my abilities.

I certify that under penalty of perjury that this translation is true and correct pursuant to USC sec. 1746.

Date: 11/30/2010

(b)(6)

**From:** (b)(6)  
**Sent:** Wednesday, November 14, 2012 3:06 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** Password

Ms. (b)(6)  
The password is: (b)(7)(E)

Sincerely,

(b)(6)  
***Assistant Chief  
U.S. Border Patrol HQ  
CBP 1A / IOD Liaison***  
(b)(6)

From: (b)(6)  
To: (b)(6)  
Cc: (b)(6)  
Subject: For OGC Review: Short Form Complaint Number 14-09-CBP-0340  
Date: Monday, October 27, 2014 12:05:00 PM  
Attachments: [Short Form Complaint 14-09-CBP-0340 Notification Email draft.docx](#)  
[06.12.2014 \(b\)\(6\) HHS ORR.pdf](#)

---

Hello Susan,

I have attached for OGC review the draft short form notification email for Complaint Number 14-09-CBP-0340. I have also attached the initial incoming complaint for reference.

Thank you

Martina

(b)(6)

Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6)

(b)(6)

[hq.dhs.gov](http://hq.dhs.gov)



**Homeland  
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From: (b)(6)  
To: (b)(6)  
Cc: (b)(6)  
Subject: For OGC Review: Short Form Complaint Number 14-09-CBP-0342  
Date: Monday, October 27, 2014 12:22:00 PM  
Attachments: [Short Form Complaint 14-09-CBP-0342 Notification Email draft.docx](#)  
[06.09.2014 Anonymous UAC \(b\)\(6\).pdf](#)

---

Hello Susan,

I have attached for OGC review the draft short form notification email for Complaint Number 14-09-CBP-0342. I have also attached the initial incoming complaint for reference.

Thank you

Martina

(b)(6)

Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6)

(b)(6)

[.dhs.gov](#)



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(b)(6)

**From:** (b)(6)  
**Sent:** Thursday, September 03, 2009 4:08 PM  
**To:** (b)(6)  
**Subject:** RE: 09-09-CBP-0108 (b)(6)  
**Attachments:** (b)(6) Ref Form.doc (b)(6) CBP Referral Form.doc

While I was out of the office on an investigation, our admin assistant emailed and mailed the referral documents and neglected to include the referral form in the email.

Though the documents you have sent may indeed address the matters discussed in the referral form, it is attached here for your records. In the meantime, I will look over the attachments and let you know if they suffice or if we require additional action. Thanks so much.

(b)(6) regarding your email to our admin person on 9/1, I'm thinking she also failed to send the referral form for the (b)(6) referral, so I have also attached it here. If you need more, let me know. Thank you.

(b)(6)

(b)(6)

Senior Policy Advisor (Compliance)  
 Office for Civil Rights and Civil Liberties (CRCL)  
 U.S. Department of Homeland Security  
 Washington, DC

(b)(6)

(b)(6) dhs.gov

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**From:** (b)(6) (IA) [mailto:(b)(6)@dhs.gov]  
**Sent:** Thursday, September 03, 2009 1:51 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** 09-09-CBP-0108 (b)(6)

(b)(6)

See attachments re: above captioned referral. We did not receive a CRCL Referral Form so we decided to send you the ICE/OPR investigative report and other docs for review and hopefully close out.

(b)(6)

9/4/2009

# CRCL Preliminary Findings and Recommendations Involving 29 Complaints by Unaccompanied Alien Children in Rio Grande Valley Sector CBP Response Memo Dated October 22, 2014

CRCL Recommendation	Action Required	Date Due	Responsible Person(s)
<p>1. MEDICAL SCREENING:</p> <p>(b)(5)</p>	<p>(b)(5)</p> <p>~ Compliance shown through: Copy of distribution memo and instructions to field.</p>	<p>1. 1/12/15 2. 1/26/15 3. 2/16/15</p>	<p>Office: Office of Border Patrol Name: (b)(6) Title: Operations Officer Phone: (b)(6) Email: (b)(6)@bp.dhs.gov</p>



**CRCL Preliminary Findings and Recommendations Involving 29 Complaints by  
Unaccompanied Alien Children in Rio Grande Valley Sector  
CBP Response Memo Dated October 22, 2014**

<p>2. (b)(5)</p>	<p>11/24/14</p>	<p>(b)(5)</p>	<p>Office: Office of Border Patrol Name: (b)(6) Title: Operations Officer Phone: (b)(6) Email: (b)(6)@cbp.dhs.gov</p>
<p>3.</p>	<p>12/22/14</p>	<p>(b)(5)</p>	<p>Office: Office of Border Patrol Name: (b)(6) Title: Operations Officer Phone: (b)(6) Email: (b)(6)@cbp.dhs.gov</p>

FOR OFFICIAL USE ONLY (FOUO)

# CRCL Preliminary Findings and Recommendations Involving 29 Complaints by Unaccompanied Alien Children in Rio Grande Valley Sector

## CBP Response Memo Dated October 22, 2014

<p>4. (b)(5)</p>	<p>1. Re-issue the TVPRA guidance with trafficking and credible fear screening guidance as a reminder.</p> <p>~ Compliance shown through: <b>Muster module issued to field.</b></p> <p>2. Ensure agents complete the online training available on the virtual learning center.</p> <p>~ Compliance shown through: <b>Mandatory annual virtual TVPRA training already implemented.</b></p>	<p>Completed, 10/27/14</p> <p>Muster module issued to the field and Virtual Learning Course is an annual training requirement.</p>	<p>Office: Office of Border Patrol Name: (b)(6) Title: Operations Officer Phone: (b)(6) Email: (b)(6)@cbp.dhs.gov</p>
<p>5.</p>	<p>1. CBP shall issue Guidance on storing, tracking, managing, monitoring and filing report on the use of an Electronic Control Weapon (ECW.)</p> <p>~ Compliance shown through: See Chapter 4 and Chapter 8 of the newly issued <a href="#">CBP Use of Force Policy, Guidelines and Procedures Handbook</a></p>	<p>Completed, 10/2/14,</p> <p>CBP issued the <a href="#">CBP Use of Force Policy, Guidelines and Procedures Handbook</a> to the workforce on October 2, 2014. Chapter 8 covers storage. Chapter 4(B) covers all aspects of</p>	<p>Office: Office of Border Patrol Name: (b)(6) Title: Operations Officer Phone: (b)(6) Email: (b)(6)@cbp.dhs.gov</p>

FOR OFFICIAL USE ONLY (FOUO)

**CRCL Preliminary Findings and Recommendations Involving 29 Complaints by  
Unaccompanied Alien Children in Rio Grande Valley Sector  
CBP Response Memo Dated October 22, 2014**

		reporting the use of less-lethal force, including ECW. Chapter 4(C)(5) discusses the use of the ECW.	
6. (b)(5)		02/16/15	<p>Office: Office of Border Patrol Name: (b)(6) Title: Operations Officer Phone: (b)(6) Email: (b)(6)@cbp.dhs.gov</p>

FOR OFFICIAL USE ONLY (FOUO)



From: (b)(6)  
To: [crci@dhs.gov](mailto:crci@dhs.gov)  
Cc: (b)(6)  
Subject: FW: Inconsistencies with SIR issues (b)(6)  
Date: Thursday, November 10, 2011 2:58:20 PM  
Attachments: (b)(6) [C.PDF](#)

---

(b)(6)

See the below email and attachment for a UAC complaint from ORR that I forwarded to the crci account. Apparently the minor was not a minor after all, just as I suspected he was not. So, we need to determine what to do with the complaint, if anything, given this new information. See the email at the bottom for the name and A#. Thanks.

(b)(6)

(b)(6)

Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005

(b)(6)

(b)(6) [dhs.gov](http://dhs.gov)



---

From: (b)(6) (ACF) [mailto:(b)(6)@acf.hhs.gov]  
Sent: Thursday, November 10, 2011 2:33 PM  
To: (b)(6) (ACF); (b)(6)  
Cc: (b)(6)  
Subject: RE: Inconsistencies with SIR issues - (b)(6)

Hi (b)(6)

I was informed that there are no other documents to be provided to you except the UAC birth certificate. Also, as you requested follow up, I was informed that the UAC was released from the shelter because it was determined that he was an adult.

(b)(6)

DHHS/ACF/ORR/DUCS  
Federal Field Specialist Supervisor  
2900 Louisiana Street  
Houston, TX 77006  
PH: (b)(6)

[www.acf.hhs.gov/programs/orr/](http://www.acf.hhs.gov/programs/orr/)

---

From: (b)(6) (ACF)  
Sent: Tuesday, November 01, 2011 7:23 PM  
To: (b)(6)  
Cc: (b)(6)  
Subject: RE: Inconsistencies with SIR issues - (b)(6)

Hi (b)(6)

I am checking on this.

(b)(6)  
DHHS/ACF/ORR/DUCS  
Federal Field Specialist Supervisor  
2900 Louisiana Street  
Houston, TX 77006  
PH: (b)(6)  
[www.acf.hhs.gov/programs/orr/](http://www.acf.hhs.gov/programs/orr/)

---

From: (b)(6) [mailto:(b)(6)@HQ.DHS.GOV]  
Sent: Sunday, October 30, 2011 4:21 PM  
To: (b)(6) (ACF)  
Cc: (b)(6)  
Subject: FW: Inconsistencies with SIR issues - (b)(6)

(b)(6)

Please see below. I don't see that you responded to this July follow-up email. If you can't provide any further information on these discrepancies, I may close this matter. Thanks.

(b)(6)

(b)(6)  
Senior Policy Advisor  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security Headquarters  
Washington, DC 20005  
(b)(6)  
(b)(6) [dhs.gov](http://dhs.gov)



---

From: (b)(6)  
Sent: Wednesday, July 20, 2011 12:35 PM

To: (b)(6)@hhs.gov  
Cc: (b)(6)  
Subject: Inconsistencies with SIR issues - (b)(6)

Hey, (b)(6)

I am reviewing the medical documents you emailed to accompany the SIR you sent me for (b)(6) - and I'm really confused.

The SIR states that the minor was struck by USBP agents on 11/15/10 during apprehension near Douglas, AZ, and that bruises were left on the minor's back as a result. I asked if the shelter took photos of the injuries. On March 13, 2011, you sent a medical report dated **1/26/11** which discusses an ankle sprain...nothing about bruising.

The SIR states his birthdate as (b)(6) however his EARM records show his birthdate as (b)(6) which means he was not a minor.

So.....I have no idea what to do with this SIR because the allegations aren't substantiated by the medical report, and he may not have actually been a minor.

Can you please take another look at this issue and provide some insight or further records?  
Thanks!

(b)(6)

(b)(6)

Senior Policy Advisor  
DHS Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security  
Washington, DC 20005

(b)(6)

(b)(6)@dhs.gov



No. DE

(b)(6)



# ESTADOS UNIDOS MEXICANOS

## REGISTRO CIVIL

GOBIERNO DEL  
ESTADO DE SONORA

LA COPIA DEL ACTA

(b)(6)

CLAVE UNICA DE REG. DE POBLACION

(b)(6)

OFICIALIA No 01	LIBRO No 01	2 ACTA No 137	LOCALIDAD Agua Prieta	1 FECHA DE REGISTRO DIA MES AÑO (b)(6)
MUNICIPIO Agua Prieta			SONORA	

## REGISTRADO

SEXO: MASCULINO ☒ FEMENINO ☐

NOMBRE (b)(6) (b)(6) (b)(6)  
 4 FECHA DE NACIMIENTO (b)(6) (b)(6) (b)(6) (b)(6)  
 5 LUGAR DE NACIMIENTO (b)(6) (b)(6) SONORA  
 FUE REGISTRADO VIVO ☒ MUERTO ☐  
 NO. DE CERTIFICADO DE NACIMIENTO

COMPARECIO EL PADRE ☐ LA MADRE ☐ AMBOS ☒ PERSONA DISTINTA ☐

NOMBRE DEL PADRE (b)(6) NACIONALIDAD Mexicana EDAD (b)(6) AÑOS

DOMICILIO (b)(6)

NOMBRE DE LA MADRE (b)(6) NACIONALIDAD Mexicana EDAD (b)(6) AÑOS

13 DOMICILIO (b)(6)

ABUELO PATERNO (b)(6) ABUELOS NACIONALIDAD Mexicana

ABUELA PATERNA (b)(6) NACIONALIDAD Mexicana

DOMICILIO(S) (b)(6)

ABUELO MATERNO (b)(6) NACIONALIDAD Mexicana

ABUELA MATERNA (b)(6) NACIONALIDAD Mexicana

DOMICILIO(S) (b)(6)

## TESTIGOS

NOMBRE (b)(6) NACIONALIDAD Mexicana EDAD (b)(6) AÑOS

DOMICILIO (b)(6)

NOMBRE (b)(6) NACIONALIDAD Mexicana EDAD (b)(6) AÑOS

DOMICILIO (b)(6)

PERSONA DISTINTA DE LOS PADRES QUE PRESENTA AL REGISTRADO

NOMBRE PARENTESCO EDAD AÑOS

DOMICILIO

FIRMAS DE LOS PADRES O PERSONA DISTINTA QUE DE ACUERDO A LA LEY PRESENTA AL REGISTRADO

(b)(6)

MA DE LOS TESTIGOS

(b)(6)

HUELLA DIGITAL  
DEL REGISTRADOSE DIO LEYENDA EN PRESENCIA DE LOS TESTIGOS CON SU CONTENIDO LA RATIFICAN Y FIRMAN  
QUIENES EN ELLA INTERVINIERON Y SABEN HACERLO Y QUIENES NO IMPRIMEN SU HUELLA  
DIGITAL HOY FE

EL C. OFICIAL 1ero DEL REGISTRO CIVIL

(b)(6)

NOMBRE

FIRMA

PULGAR DERECHO

SELLO DELA  
OFICIALIA DEL  
REGISTRO CIVIL

LA PRESENTE ACTA TIENE ANEXAS LAS ANOTACIONES SIGUIENTES:



From: (b)(6)  
To: (b)(6)  
Subject: FW: George: Border Patrol Info  
Date: Monday, November 14, 2011 12:24:30 PM  
Attachments: [AIR Border Patrol Racial Profiling Memo PRIVATE - AMD AW edits.doc](#)

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(b)(6)

Please invite (b)(6) to this week's case opening meeting. (b)(6) would like to discuss the matter below (mainly the new matters in the attached memo we have not yet previously received and discussed) at the meeting. (In a moment, I'll forward you the earlier email from (b)(6) with attachments, in the thread below.)

I gave (b)(6) an ICE conditions of detention complaint for her review, involving a facility on which she has retained complaints.

Thanks,

(b)(6)

---

From: (b)(6)  
Sent: Monday, November 14, 2011 11:31 AM  
To: (b)(6)  
Cc: (b)(6)  
Subject: RE: (b)(6) Border Patrol Info

Attached are my comments added to the AIR memo, based on checking the database and my August 2011 internal memo describing how we decided to log in the incidents in the UAW July 2011 letter.

The first two and last two incidents described in the AIR memo are new to us, I believe.

Of the remaining listed incidents, we have opened complaints on three of them in addition to the Latino Family Services incidents: (b)(6) has two of the complaints in a CBP Stops bundle of complaints, # 11-10-CBP-0293. (b)(6) is assigned to one complaint, # 11-10-DHS-0283, involving the 10/28/2010 Detroit Stop and detention at Dearborn City Jail.

(b)(6)

[hq.dhs.gov](#)

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From: (b)(6)  
Sent: Monday, November 14, 2011 11:25 AM  
To: (b)(6)  
Cc: (b)(6)  
Subject: RE: George: Border Patrol Info

We have received all of the complaints mentioned in the Freedom House and Latino Family

Services portion of the AIR memo. I do not recall ever seeing the St. Anne's Church complaint or the complaint dealing with using children as bait. I do not think we opened all of complaints mentioned in the memo.

Also, I do not believe that I was assigned any of the complaints in the AIR memo. My guess is that if the complaints were opened, (b) (6) might have been assigned to them.

---

**From:** (b)(6)  
**Sent:** Monday, November 14, 2011 8:37 AM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** FW: George: Border Patrol Info

Morning,

I don't think we received a copy of the "FOIA results." I took a moment to include an update from the Latino Family Service portion of the AIR Border Patrol Profiling Memo. (b)(6) think you have all the other complaints, but I know that Annie will know for sure.

(b)(6) - As for the CAIR letter, everyone mentioned by name, except (b)(6) are specifically included in the Religious Questioning complaint. I don't want to speculate about the individuals referenced by their initials, though to the extent that the investigation is a broad review of policy, they are also included in the investigation.

AMD

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**From:** (b)(6)  
**Sent:** Friday, November 11, 2011 1:50 PM  
**To:** Blumberg, (b)(6)  
**Subject:** FW: George: Border Patrol Info

How many and which of the incidents described here have we tried to run to ground?

Thanks,

(b)(6)

---

(b)(6)

Officer for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

(b)(6)

(b)(6) dhs.gov  
<http://www.dhs.gov/crcl>





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From: (b)(6)  
Sent: Thursday, November 10, 2011 1:23 PM  
To: (b)(6)  
Cc: (b)(6)  
Subject: FW: George: Border Patrol Info

Attached are the documents that (b)(6) sent me that he has related to the incident.

Let me know if you would like me to work with (b)(6) to find a time for a call in the next few weeks.

Thanks,

(b)(6)

---

From: (b)(6)@gmail.com [mailto:(b)(6)@gmail.com] On Behalf Of (b)(6)  
Sent: Thursday, November 10, 2011 10:50 AM  
To: (b)(6)  
Subject: George: Border Patrol Info

Hi (b)(6)

Thanks for getting back with me. Attached are scans of the FOIA results from CBP.

Additionally the Border Patrol Racial Profiling Memo has a narrative of the events, as well as a compendium of other CBP abuse cases we've documented in Detroit.

For good measure, I also added CAIR's case memo on how OFO is treating Muslims. I think you're aware of these cases.

Thanks for setting up that call with (b)(6) or me!

rb

----- Forwarded message -----

From: (b)(6) <(b)(6)@accesscommunity.org>  
Date: Thu, Nov 10, 2011 at 10:46 AM  
Subject: Scans - 11-10-11  
To: (b)(6) <(b)(6)@michiganimmigrationreform.org>

Here you go.

(b)(6) Web Designer | ACCESS/Arab American National Museum | [masuncion@accesscommunity.org](mailto:masuncion@accesscommunity.org) |  
[313.624.0207](tel:313.624.0207) (Museum office) | [313.297.4271](tel:313.297.4271) (ACCESS Office)  
Connect with us | [ACCESS](#) | [Arab American National Museum](#) | [National Network of Arab American Communities](#) | [Center for Arab American Philanthropy](#) | [Facebook](#) | [Twitter](#)



**ACCESS**



**Arab American  
National Museum**

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(b)(6)

Director Alliance for Immigrants Rights & Reform - Michigan

(b)(6)

(b)(6)

[michiganimmigrationreform.org](http://michiganimmigrationreform.org)

personal: (b)(6) gmail.com

Text "Justice" or "Justicia" to 69866 for instant action alerts!

[www.michiganimmigrationreform.org](http://www.michiganimmigrationreform.org)

AIR Blog: [www.michiganimmigrationreform.wordpress.com](http://www.michiganimmigrationreform.wordpress.com)

Join us on Facebook! Reform Immigration FOR America - Michigan

[www.facebook.com/ReformImmigrationFORAmericaMI](https://www.facebook.com/ReformImmigrationFORAmericaMI)



Alliance for Immigrants  
Rights & Reform Michigan

## ***AIR Border Patrol Racial Profiling Memo***

Contact: (b)(6) 248.787.(b)(6) (b)(6) [michiganimmigrationreform.org](http://michiganimmigrationreform.org)  
(b)(6) 313.404 (b)(6) (b)(6) [michiganimmigrationreform.org](http://michiganimmigrationreform.org)

Border Patrol and the Office of Field Operations (under the auspices of the Bureau of Customs and Border Protect, CBP) are charged with guarding our nation's border areas, such as the Ambassador Bridge or Windsor Tunnel. Border Patrol and OFO have important jobs—interdicting drug smugglers, stopping human traffickers, and preventing terrorists from entering the country.

However, the following incidents are not examples of effective law enforcement. Rather, they are abuses of power, racial profiling, and a waste of taxpayer resources that should be properly focused on the border itself, not the neighborhoods where immigrants, Latinos, and Arab-Americans live. What we have documented is just a small portion of the activity, and represents those victims who were fortunate enough to contact an advocacy organization.

Racial profiling by Border Patrol, in combination with abusive enforcement by ICE and local police, has created a climate of fear and hostility in Southwest Detroit and other immigrant communities. Many residents are simply afraid to go about their daily business, in what has been one of Detroit's most vibrant neighborhoods, for fear of harassment.

**Worse, Border Patrol seems to be targeting human services agencies and churches that serve immigrants.** This is a cruel policy, and clearly a waste of our tax dollars.

Below is a compilation of abusive incidents collected by AIR staff and volunteers. The most recently documented incidents, which have not been previously released, are listed first.

**July 25, 2011: Border Patrol and OFO Agents Detain Man on Grounds of St. Anne's Church During Mass**



During a Monday night Mass to celebrate the Novena to St. Anne, at least 4 vehicles from the Office of Field Operations (blue stripe) and the Border Patrol (green stripe) were spotted in the east parking lot of St. Anne's Catholic Church. Volunteers directing traffic approached the officers and asked what was going on. They were not given an explanation. A man, who had been driving, was put in handcuffs and detained in the parking lot for nearly an hour. He was let go after Border Patrol established, apparently, that there was not a problem with his documentation. The officers eventually agreed to move their operation off of church property after repeated protestations by the church pastor.

**October 15, 2010: Children detained by Border Patrol, including Green Card holders, subsequently used as "bait" for parent**

The morning of October 15<sup>th</sup>, five Latino youths were at Riverfront Park. The youths were committing no crimes or suspicious activity. They were approached by two Border Patrol agents in two cars, and were ordered to stay together for interrogation. Agents detained (b) (6) (last name withheld), who admitted to being undocumented, and two other youths who told the officers that they had Green Cards.

At the station, the youths who held Green Cards were held for over an hour, and were eventually released after their status had been verified. They were apparently held because they only spoke Spanish.

(b) (6) was told that his mother would have to come pick him up. (b) (6) asked the officers if his mother could get in trouble, and the officers assured him that there was no problem. When (b) (6) mother arrived to pick him up, she was questioned, detained, and now both she and (b) (6) are in deportation proceedings. Agents mocked (b) (6) when his mother arrived, saying that they'd "changed their minds."

**Freedom House Incidents**

*Freedom House is a residential legal and integration assistance program for political refugees from across the world. Located on the grounds of St. Anne's Church in Detroit, they have served the needs of refugees and asylum seekers for 30 years.*

**July 16, 2010 (12:30 pm)**

An Iranian refugee, resident at Freedom House, exited the bus at Fort Street beneath the Ambassador Bridge. The resident was immediately stopped by Border Patrol. Despite presenting his valid work authorization and valid Michigan state ID, he was detained and questioned for several hours.

Freedom House refugees and asylum seekers have been harassed at this bus stop and surrounding area numerous times. The residents of the refugee center have stopped leaving the building for fear of harassment, and are unable to run simple errands, attend classes or other services, or tend to their community garden. The inability of residents to leave the building has made it nearly impossible for Freedom House to continue to provide the integration and



education services that they have provided for nearly thirty years.

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### **Latino Family Services Incidents**

*Latino Family Services has been serving the community of Southwest Detroit since 1971. Their services include a food pantry, utility assistance, addiction counseling, youth tutoring, English language classes, and health promotion.*

#### **April, 2011: Legal Permanent Resident Harassed outside Latino Family Services**

(b)(6) a legal permanent resident, was walking to his vehicle on Vinewood next to Latino Family Services. A CBP officer arrived by car, stopped (b)(6) and demanded to see his ID.

#### **April 27th, 2011, Detroit: Director of Agency Harassed, Client Detained**

(b)(6) the Director of Latino Family Services, arrived at the agency at approximately 8:30 AM and parked on Vinewood. There, she saw a CBP officer in a vehicle questioning one of her clients (b)(6) through the open window. The officer saw (b)(6) and moved his car to cut her off. The officer attempted to trap (b)(6) in her car by positioning his vehicle in front of her driver's side door. However (b)(6) was still able to open the door just wide enough to exit. The CBP vehicle then retreated, and the officer arrested (b)(6) who was later deported.

#### **May, 2011, Detroit: Agency Employee Harassed**

(b)(6) an employee of Latino Family Services, parked on Vinewood in the morning and was walking in to work. A CBP officer followed her from her car, and rolled down his window to question (b)(6). When (b)(6) confronted the officer, he drove off.

#### **May 5, 2011, Detroit: CBP Officers Circle Agency During Cinco de Mayo Celebration**

Latino Family Services was holding a Woman's Forum event in the afternoon, and approximately fifty community members were participating. (b)(6) received a report that there were "immigration" agents outside. She exited the agency to West Grand Boulevard, and saw a convoy consisting of a CBP patrol car and half a dozen officers on bicycles. The officers proceeded South on West Grand Blvd, and split into two groups. One group turned left, and proceeded down Jefferson, while the second group circled back up Vinewood towards LFS.

This second group circled LFS several times for at least 20 minutes before departing.

#### **May 30, 2011, Detroit: (b)(6) Followed from Agency, Stopped**

(b)(6) a legal permanent resident, left Latino Family Services, and drove Southwest on Fort Street. From the agency, he was followed by a CBP vehicle who followed close behind. Near Clark Street, the vehicle rapidly accelerated, cut (b)(6) off, driving at an angle in front of his car and coming to a halt. The officers rolled down their windows. When (b)(6) demanded to know what they wanted, they departed.

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**February 2010, Wyandotte: CBP stops Latina Woman on Freeway, for no reason**

On her way to work in the morning of February, 2011, (b)(6) a legal permanent resident, was stopped on I-94 by a CBP agent. They asked for her immigration papers, which she presented, rather than any driving information. (b)(6) asked why she had been stopped, and the officer did not reply. She had done nothing wrong.

**October 28, 2010, Detroit: CBP Stops Latino Man With No Probable Cause, Subsequently Denied Medication While in Detention**

A Border Patrol Officer stopped (b)(6) on Fort Street, claiming he looked suspicious. (b)(6) had recently received a kidney transplant, and was holding his side in pain. CBP claimed this looked like (b)(6) was concealing a weapon. No weapon was ever found. While in detention overnight at Dearborn City Jail, night shift officers denied (b)(6) his kidney medication. The water available in his cell was so full of contamination, that (b)(6) needed to let the dirt drift to the bottom of his cup before drinking it.

**May 5<sup>th</sup>, 2011, Detroit: Border Patrol Office of Field Operations Stationed Outside Hispanic Agency**

(b)(6) identified and recorded a Border Patrol Office of Field Operations vehicle parked outside of her office, the Detroit Hispanic Development Corporation. The vehicle was stationed outside the agency for approximately 10 minutes. The staff has noticed the same sort of vehicle before, usually parked around the time English classes get out, but had not begun to document their sightings. The presence of CBP/OFO at the agency instills fear in clients, and DHDC has noticed a significant decline in their social service programs and language classes as a result.

**May 10<sup>th</sup>, 2011, River Rouge: CBP Rounds Up Two Landscaping Workers**

A CBP officer approached (b)(6) and (b)(6) to ask for their documents while they worked on a landscaping job in Grosse Isle. Border Patrol had no reason to suspect these men of any criminal act.

**June 3, 2011, Detroit: Immigrant Waiting for Bus Is Asked for Papers**

At 6:30am (b)(6) was waiting for the bus near the corner of Green and Fort Street. A CBP vehicle pulled up to him and asked him for his name and identification. After showing his *matricula* he was asked if he was "illegal" and arrested.

**June 11, 2011, Detroit: CBP Singles Out Latino Fisherman for ID Check**

On the afternoon of June 11<sup>th</sup> (b)(6) and his brother (b)(6) both US Citizens, were fishing in the Detroit river near Jefferson and Livernois. There was a group of about 10 other people fishing at the same location. Border Patrol arrived on the scene and proceeded directly to question (b)(6) regarding their immigration status. They also questioned another individual, according to (b)(6) who was Asian. The officers ignored the rest of the group, who appeared African-American and Caucasian.

**June 22<sup>nd</sup>, 2011, Detroit: Latino Citizen Stopped by Border Patrol and Questioned**



**Aggressively**

(b)(6) a US Citizen, was giving a tour of Detroit to a visiting friend from Germany, (b)(6) who was driving a rented Mazda. The two were driving away from Riverside Park, where they had taken some photos of the Detroit skyline and the Ambassador Bridge. (b)(6) and (b)(6) were driving down 23rd Street toward Fort, and a CBP vehicle driving in the opposite direction, and pulled a u-turn as (b)(6) turned on to Fort. With lights flashing, the CBP vehicle pulled (b)(6) over near the corner of Fort and West Grand Blvd. A CBP officer approached the vehicle, and asked (b)(6) the driver, for his license and registration. (b)(6) presented his documents, and informed the officer that he as a visitor on business, but that his passport was in the hotel. The officer returned (b)(6) documents, and reminded him of the need to carry his passport. During this time, a second CBP car arrived on the scene. The first officer then began to question (b)(6) aggressively and unprofessionally regarding his citizenship. The pair were detained for nearly half an hour-- and only the first few minutes were spent questioning (b)(6). The agents focused their interrogation on (b)(6) making light of his Hispanic name, despite the fact that he was born in Detroit. Eventually the two were released without an explanation.

**August 6<sup>th</sup>, 2011: Border Patrol Car Stationed Outside Hispanic Church during Sunday Services**

A Border Patrol car was stationed behind Casa de Mi Padre Evangelical Church, in Lincoln Park, during morning services. After receiving numerous panicked reports from the congregation, the pastor exited the church and confronted the officers. He asked them why he was behind his church. They responded that they were "watching traffic," and then departed.

**August 10<sup>th</sup>, 2011: Border Patrol Car Stationed in Church Parking Lot**

(b)(6) a church elder at St. Stephen's Lutheran Church, arrived at the church at approximately 12:30 pm. He found a single Border Patrol car stationed in the parking lot. (b)(6) confronted the agents, and asked what they were doing at the church. The agents replied that they were doing a U-turn, and drove off. How the agents could have been making a u-turn while being stationary is unclear.



# INSTANCES OF HARASSMENT OF MUSLIMS AT THE US-CANADA BORDER & AT AIRPORTS

(as narrated by the victims)

## Background

CAIR Michigan has received, and continues to receive, numerous complaints by American Muslims concerning repeated handcuffing, brandishing of weapons, prolonged detentions, invasive and humiliating body searches at the border, and inappropriate questioning that pertains to religion and religious practices. The vast majority of the complainants come from predominantly Arab and predominantly Muslim countries, including: Egypt, Lebanon, Yemen, Somalia, and Algeria. The process can take anywhere between two to ten hours. More disconcerting is that these same individuals report being subjected to the same mistreatment and inappropriate questioning each and every time they cross the border.

Some have been fired from their jobs for falling behind or lost prospective job opportunities. Some have given up on educational opportunities. Some have stopped visiting their families in Canada. And some simply choose to no longer vacation in Canada. None of these individuals have ever been charged with or suspected of a crime. Yet, they are being treated as common criminals. Such policies and procedures appear to be based not upon reasonable suspicion, rather upon religion, race, ethnic background, national origin, and gender.





(b)(6)

A U.S. Citizen of Lebanese origin and University of Michigan student, (b)(6) has been surrounded by armed agents, handcuffed, subjected to what he described as sexually humiliating searches, and taken inside for questioning for several hours at a time, each and every time he crossed the US-Canada border back into the United States. His car is routinely subjected to a K-9 search. Told his name sounded like someone else's, he is also fingerprinted every time he crosses the border. (b)(6) has been questioned for several hours at a time about his religious views, the mosque he prays at, the Muslim charities he donates to, and which Muslim nonprofit organizations he is affiliated with. Whenever (b)(6) returns from an international flight, a number of FBI agents take him in for several hours of questioning. FBI agents have even interrogated (b)(6) in his home regarding his political beliefs, his views about suicide bombing and Hizbollah, and his thoughts about Pakistan and Bahrain. Upon insisting he contact his attorney, (b)(6) was told by the FBI agents it was better to keep quiet about the interview and not mention it to his attorney. (b)(6) was never given an explanation as to why he was being treated as a criminal.

(b)(6)

(b)(6) is a young Algebra teacher and U.S. Citizen of Algerian origin. In mid-2008, upon returning to the United States from Canada, (b)(6) was told to turn off his vehicle and step out of the car. Immediately upon getting out of the car, (b)(6) was pushed against his vehicle and handcuffed. He was placed in a holding cell for one hour. (b)(6) was asked





about his trip to Saudi Arabia, where he had traveled to perform Hajj, and asked whether he received any terrorism related training during the visit. Several months later, (b)(6) was again stopped and handcuffed, however this time, he was surrounded by armed agents aiming their weapons in his direction. (b)(6) recalls seeing a sniper. Once again detained in a holding cell, (b)(6) was questioned for hours about the mosques he attends, whether he is involved with any Muslim organizations, and whether he knows any terrorists. One agent questioned (b)(6) about his involvement in a mosque cleaning project. Another asked if (b)(6) ever felt like he wanted to kill a non-Muslim. Since, this process has become routine for (b)(6) every time he crosses the US-Canada border. (b)(6) was never given an explanation as to why he was being treated as a criminal.

(b)(6)

(b)(6) is a respected scholar, Muslim religious leader, Imam, and community advocate originally from Accra, Ghana. Upon completion of his traditional Islamic studies in Ghana, (b)(6) completed B.A. in both Islamic Studies and Arabic at Medina's Islamic University an M.A. and Ph.D. in Islamic Studies at the University of Michigan (Ann Arbor, MI). Despite being a U.S. citizen, each time (b)(6) returns to the United States from Canada, he is handcuffed and detained for several hours. He is questioned about his role as an Imam at his mosque, the activities of Muslim organizations he is involved with, and the Muslim charities he supports. (b)(6) is treated no differently at the airports. Each time his flight lands in the United States, federal agents scan the passports of all arriving passengers until (b)(6) is



identified and taken to extensive questioning for several hours at a time.

(b)(6)

(b)(6) is a U.S. citizen of Lebanese origin. A graduate of Wayne State University and the University of Michigan, and a father of three beautiful children, (b)(6)

(b)(6) is a long-time community activist. In November, 2007, (b)(6) was crossing back into the United States from Windsor with his pregnant wife and two young children. Immediately upon showing his passport, his car was surrounded with armed agents, his wife and children inside. He was cuffed, fingerprinted, and taken inside a detention cell for extensive questioning about members in the community, Muslim organizations he is affiliated with, Muslim countries he traveled to, and Muslim charities he supports. (b)(6)

described the detention cell as comparable to that of a jail cell, with a wooden chair and a toilet in open view of the guards. Since that day, this process has become routine for (b)(6)

(b)(6) every time he crosses the border. (b)(6) was recently added onto a Secondary Security Screening Selection (SSSS) list maintained by TSA, which means he is subjected to extensive secondary screening at the airports as well. Upon returning to the United States, (b)(6) is escorted by federal agents to a detention room and questioned for several hours about his affiliations. This ordeal has resulted in loss of business and placed a strain on relationships. He has been unable to visit his family in Canada. Today, (b)(6) can no longer step near the border without suffering from a panic attack, due to the traumatic experiences he has suffered through.





### **Mrs. Z. Z.**

Mrs. Z. Z. is a U.S. citizen of Lebanese origin who wishes to maintain her anonymity. In mid-2010, Mrs. Z. Z. was returning to the United States with her husband and young children. As soon as she presented her passport to the CBP Officer, she was told she turn off her vehicle. Her car was immediately surrounded by several armed agents pointing their weapons in her direction telling her to step out of the vehicle. As soon as she stepped out, she was thrown against her car, handcuffed in front of her children, and taken inside for questioning. She was subjected to what she called a sexually humiliating full body search. Afterwards, for several hours, she was questioned about organizations she supports, her opinion regarding Hamas and Hizbollah, organizations she is affiliated with, and her personal finances. The process took six hours. After this incident, Mrs. Z. Z. has been unable to cross the US-Canada border without being subjected to the same process each time. On one occasion, she was pressured by federal agents to become an informant against her community in exchange for an end to the continued harassment at the border.

### **Mrs. S. M., Mrs. F. F., & 11 women of Somali Origin**

Mrs. S. M. and Mrs. F. F. are young mothers of Somali origin who have requested anonymity due to the humiliating nature of their complaint. In May, 2010, Mrs. S. M. was crossing into the United States with Mrs. F. F., another friend, and her infant daughter. They were pulled aside for extensive secondary screening and questioning. They were fingerprinted, had their eyes scanned, pushed up against a wall, and subjected to prolonged, invasive and





sexually humiliating body searches. Mrs. F. F. described these searches as “rough,” “aggressive,” “humiliating,” and “traumatizing,” and said they typically take several minutes to complete. They were also questioned about which mosque they pray at and which Muslim organizations they are affiliated with. Over the next few weeks, Mrs. S. M. and Mrs. F. F. discovered a number of women, both U.S. and Canadian citizens, all of Somali origin, that were subjected to similar invasive and sexually humiliating body searches. These women are no different than Mrs. S. M. and Mrs. F. F. Each of these women need to cross regularly to attend university or work in Detroit or Windsor, and each are subjected to this form of mistreatment and sexual humiliation each and every time they cross the US-Canada border.

### Dr. Y. H.

A husband and father of seven, Dr. Y. H. is a White U.S. citizen and recent convert to Islam. Specializing in Emergency Medicine and Family Practice, Dr. Y. H. manages to find time as an organic farmer and beekeeper. Upon returning from the Reviving the Islamic Spirit Conference in Toronto in 2010 with his wife and children, Dr. Y. H.’s car was surrounded by four armed agents pointing their weapons in his direction. He was taken in for questioning — questioning about where he prays, whether there are extremists in mosques in the United States, and so on. FBI agents arrive and ask the same set of questions. One agent even asked why Dr. Y. H. converted to Islam, and whether he converted while he was in Saudi Arabia. Like the others, handcuffing, prolonged detentions, and inappropriate questioning at the border became routine. The same questions about Islam are asked every time he crosses, as if the



questions were never asked before.

### Dr. N. R.

Originally from Morocco, Dr. N. R. is a research scientist at a prestigious hospital, whose research is funded by the American Heart Association and the National Institutes of Health. Early 2006, Dr. N. R. was returning to the United States with his family when his car was surrounded by armed agents. In front of his wife and children, he was thrown against his vehicle, subjected to what he described as a sexually humiliating search, and handcuffed. He was taken inside for questioning, fingerprinted, photographed, and subjected to the same sexually humiliating search inside. After several hours of questioning, a federal agent tried to pressure Dr. N. R. into becoming an informant in his community. Upon refusing, the agent immediately retracted his business card and ceased questioning. Since that incident, Dr. N. R. has been unable to cross the US-Canada border without being subjected to the same treatment each time.

(b) (6)

(b) (6) is a U.S. citizen truck driver of Egyptian origin whose employment required him to cross the US-Canada border on a daily basis. Despite having passed the necessary background check to obtain a FAST membership card, each day (b) (6) crossed the border, he was selected for a secondary inspection and x-ray. (b) (6) was also subjected to questioning that would routinely take up to seven hours — the same exact questions each and every day he crossed. Questions about his Islamic beliefs, his political views,





and whether he received any terrorism training. One agent asked (b) (6) how much he paid his wife to marry him. Another told him he should change his name to (b) (6) making a joking reference to (b) (6) repeated detentions. After being stopped every day for three weeks, because (b) (6) was unable to complete any of his deliveries on time, he was terminated from his job.

### Mr. A. J.

Mr. A. J. is a young American-born attorney of Egyptian origin. Since the end of 2009, each time Mr. A. J. crossed the US-Canada border in to the United States, he is handcuffed, subjected to an invasive body search, and made to sit in a cell or an empty room for extended periods of time before being questioned. He is then questioned about his Islamic beliefs, viewpoints about different Islamic issues, and whether he received any military training in the Middle East. On one occasion, Mr. A. J. asked an agent what would happen if he circled around, reentered Canada, and came back. The agent responded that according to CBP protocol, agents would be required to repeat the entire process: detain, handcuff, and question Mr. A. J. the same questions again for several hours, as if it never happened the first time.

(b) (6)

A Board Certified anesthesiologist of Egyptian origin, (b) (6) is a husband and father of four children all under the age of five. Prior to being added onto the SSSS list maintained by TSA, (b) (6) used to travel frequently to Egypt to visit his family. Today,





whenever (b) (6) arrives to the United States, he is detained for hours. Federal agents stand near the gate and check the passports of all arriving passengers until (b) (6) is identified. He is taken to a room for extensive questioning about his travels. The agents then conduct a thorough search of his luggage and everything on his person, and download all data on his cell phone and laptop. This process has become routine, and (b) (6) was never given a reason for this designation.

### Mr. A. N.

A religious leader and community activist of Pakistani origin, Mr. A. N. was detained for approximately nine hours. After being fingerprinted, Mr. A. N. was questioned in detail about various Muslim religious leaders in the United States -what he thought of them, whether he has ever heard them advocate violence, whether he knew anything about their private lives, and whether they surrounded themselves with battered women. They asked specific questions about American Muslim organizations. Finally, they asked Mr. A. N. to provide names of Muslims that are active in different mosques across the US.

\* \* \*



Each of these individuals filed multiple inquiries through the DHS Traveler Inquiry Program (DHS TRIP), the only administrative remedy available to them, and received a response along the lines of the following:

“ ... On behalf of DHS, let me assure you that it is not our intent to subject the traveling public to unwarranted scrutiny...”

“ ... Please understand that in order to detect those international travelers involved in illicit activities, we must, at times, unfortunately inconvenience law-abiding travelers...”

“ ... While we can neither confirm nor deny that DHS has records or information that prompted this inspection, if DHS has determined based on your correspondence that there is a need to make changes or corrections to any such record or information, should it exist, I can assure you such changes or corrections have been made.”



CAIR Michigan will issue a comprehensive report in the upcoming months. You can view and download a copy of this report on our website at [www.cairmichigan.org](http://www.cairmichigan.org).

Copyright © 2011 Council on American Islamic Relations-Michigan

(b)(6)

---

**From:** (b)(6)@hhs.gov]  
**Sent:** Thursday, November 18, 2010 10:20 AM  
**To:** CRCL  
**Subject:** FW: SIR (b)(6)  
**Attachments:** (b)(6).pdf

-----Original Message-----

**From:** (b)(6) (ACF) [[mailto:\(b\)\(6\)@hhs.gov](mailto:(b)(6)@hhs.gov)]  
**Sent:** Thursday, November 18, 2010 12:24 AM  
**To:** (b)(6)  
**Subject:** SIR (b)(6)

(b)(6)

Not sure if I previously sent this to you.

(b)(6)

DHHS/ACF/ORR/DUCS

Federal Field Specialist Supervisor

2900 Louisiana Street

Houston, TX 77006

PH: (b)(6)

[www.acf.hhs.gov/programs/orr/](http://www.acf.hhs.gov/programs/orr/)



OFFICE OF REFUGEE RESETTLEMENT (ORR)  
DIVISION OF UNACCOMPANIED CHILDREN'S SERVICES (DUCS)  
SIGNIFICANT INCIDENT REPORT (SIR) FORM

SIR Number: 1.1

**Original SIR Report Date:** 10/08/2010 09:38 AM

UAC Name:	(b)(6)	UAC Alien Number:	(b)(6)
UAC DOB:	(b)(6)	UAC COB:	EL SALVADOR

Program Name	Program Type	Program Location
INTERNATIONAL EDUCATIONAL SERVICES-SHELTER	Shelter	Los Fresnos, TX

Date and Time of Incident	Date and Time Incident Reported	Location of Incident
10/07/2010 11:40 A.M	10/08/2010	clinician's office

Incident Type and Narrative	
Allegation(s) of Abuse By Family/Others OUTSIDE the US	
- Physical Abuse	
- Other Abuse	

**Synopsis of Incident:**  
On October 7, 2010, resident, (b)(6) disclosed to clinician, (b)(6) several incidents she has endured in her home country and during her apprehension in the U.S. Resident states when she crossed the Rio Grande River, she was walking for several minutes while the group she traveled with was surprised by border patrol agents. Resident states she was chased by an agent and then knocked to the ground. Resident states she sustained several scratches on her arms and torso because of this. Resident states she did not see what the agent looked like because he continued running after the other immigrants in her group. Resident states she was able to avoid being detained because she continued running after the agents became distracted while they pointed a gun at the other immigrants. However, resident states she was apprehended at a checkpoint while traveling from Laredo, TX to Houston, TX after spending 15 days at her sister (b)(6) mother-in-law's home. Resident states she was traveling with her sister (b)(6) husband, (b)(6) and other members of his family when border patrol agents detained them for questioning. Resident states she was taken to a room on her own and then four agents apparently removed their name badges before they questioned her. Resident states they questioned her for what seemed to her as a long period of time. Resident states she tried to answer their questions truthfully but felt very pressured to give a response as quickly as possible. Resident states she was told by these border patrol agents that is she did not answer truthfully she would be placed in another building with another agent. According to resident she was also informed that if she was placed in the other building they (border patrol agents) would not be responsible for whatever happened to her there. Resident states she believes they implied she would be harmed if she did not answer their questions. Resident also reported a border patrol agent hit her on her abdomen after he finished fingerprinting her. Resident states the agent let his hand drop down and then placed it on his gun. Resident states she was still standing next to him when he used the back of his hand to hit her on the abdomen. Resident states it hurt and left bruising where he apparently hit her. Resident states she questioned him about it



and he answered by saying she had to tell them (border patrol agents) the truth. Resident states her yellow shirt has ink stains where the agent hit her. Resident states she would be able to identify the agents if she saw them again however she was unable to get their names. Resident states the first agent was tall, fair-skinned, with light hair and blue eyes. The second agent was tall, black hair and brown eyes. Resident states the third was tall, heavy set, brownish/black hair and green/hazel eyes. The fourth agent was short, dark-skinned and wore a cap. Resident states she was detained and then transported to the adult detention center. Resident states she later informed a female agent that she was a minor. Resident states the agents apparently contacted her mother in El Salvador about her age. Resident states she was then transported to IES. Resident states she is fearful of being harmed by border patrol agents due to these incidents. Additionally, resident reports she traveled to the U.S. due to receiving death threats in home country. Resident states her cousin (b)(6) was murdered by Mara gang members in 2009 because she was dating a member of the rival gang. Resident states (b)(6) was found stabbed to death. Resident states because (b)(6) was her cousin she (resident) was targeted by the gang. Resident states she received an anonymous note stating she was going to be harmed. Resident states she moved from her home to her paternal uncle's home in another city. Resident states she once again received another threat in August 2010. Resident states she witnessed a young man killed by the gang members on the street in 2009. Resident states she was not harmed during that incident. Resident states she advised her sister (b)(6) about the threats and arrangements were made for her travel. Resident states she spoke to her mother on 10/4/10 and was informed the gang members continue to look for her and they have also threatened her family. Resident states her family has separated to try and ensure they are not found or harmed. Resident also reported when her brother (b)(6) would hit her when he was drunk. Resident states the last incident of physical abuse she endured was in August 2010. Resident states he would hit her with his hand anywhere he could.

**Witnesses:**

(b)(6)

**Staff Response and Intervention:**

Clinician provided resident with a safe environment during disclosure and supportive counseling. Clinician advised Lead Clinician (b)(6) DUCS FFS, Dr (b)(6) and completed an online CPS report with confirmation # 654972.

**Resolution and Follow-Up:**

Clinician will continue to meet with resident on a weekly and as needed basis to provide supportive counseling. Clinician will assess for the need of further intervention or services by resident.

**Recommendations:**

Clinician recommends resident continue receiving supportive counseling on a weekly basis and be monitored closely for changes in mood and behavior.

**Actual or Expected Media Interest, or Information Released to the Media:**

None

**Persons and Agencies Notified**

Contact Name	Agency	Phone Number	Date and Time
left a message	DUCS Hotline	(b)(6)	10/07/2010 and 06:08 P.M
Dr (b)(6)	DUCS FFS		10/07/2010 and 05:42 P.M
online report # 654972	CPS	(800)252-5400	10/07/2010 and 05:53 P.M

**Points of Contact for Follow Up**

Type	Title	Name	Phone Number
Program Staff Filing Report	Clinician	(b)(6)	
Program Staff Designated for Follow Up	Lead Clinician		
Program Supervisor	Asst. Program Director		
Regional ICE FOIC	Juvenile Coordinator		

Program Supervisor Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# Fax



FLORENCE  
IMMIGRANT  
& REFUGEE  
RIGHTS PROJECT

(b)(6)

202 E. McDowell Rd. Ste. 253  
Phoenix, AZ 85004  
USA  
Tel: (802) 307-1597  
Fax: (802) 340-0596  
Web: www.firrp.org

To: (b)(6) - OCRU From: Florence Project

Fax: (b)(6) Pages: 14

Phone: Date: 11/30/2010

Re: above complaint CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle



FLORENCE  
IMMIGRANT  
& REFUGEE  
RIGHTS PROJECT

2601 N. Pinal Pkwy  
P.O. Box 654  
Florence, AZ 85232  
Tel: 520.868.0191  
Fax: 520.868.0192  
Web: www.firrp.org

October 29, 2010

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Review and Compliance  
245 Murray Lane, SW  
Building 410, Mail Stop #0190  
Washington, DC 20528

VIA FACSIMILE

To Whom It May Concern,

This letter is an official complaint on behalf of (b)(6) A# (b)(6) regarding the conditions under which he was held in detention by the Border Patrol (BP) in the aftermath of his arrest and a serious surgery, submitted by the Florence Immigrant and Refugee Rights Project (FIRRP).

(b)(6) a seventeen year old citizen of Guatemala, was arrested at around midnight on or around September 20th on the highway roughly one hour south of Phoenix. During the chaos of the apprehension, (b)(6) was run over by the truck that he had been riding in prior to his arrest. He sustained serious injuries, including a broken arm, a fractured shoulder, and a broken jaw and cheekbone. These injuries resulted in hospitalization at Maricopa Medical Center, and (b)(6) underwent surgery to repair his broken jaw through the insertion of a metal plate. He was in the hospital for a week, during which he was continuously accompanied by a Border Patrol agent, and interviewed by an Immigration and Customs Enforcement agent once. From the beginning, BP agents were aware of his status as an unaccompanied minor.

Once released from the hospital, (b)(6) was taken to the Casa Grande BP station, where his fingerprints were taken and he signed relevant processing paperwork. He spent half a day there, after which he was transported to the Tucson BP station, where he was processed for a second time and then detained for two days. During his time in detention in Tucson, (b)(6) was kept in a room with other unaccompanied minors. They were forced to sleep on very thin mattresses on the floor, and (b)(6) mattress was placed right next to the toilet because there was no space. He also reports that it was very difficult to sleep – the AC made the room very cold, and the cell was very loud, since the agents were playing advertisements over the loudspeaker advising people not to cross the border. These ads were played throughout the night. As an organization that provides legal assistance and advocates on behalf of unaccompanied minors who are under the care of the Office of Refugee Resettlement in Arizona, we are deeply concerned that these detention conditions were in direct violation of the Flores Settlement Agreement and (b)(6) basic civil and human rights. Additionally, they presented a substantial medical risk that could have been easily avoided, given that (b)(6) made it clear that he was an unaccompanied minor from the beginning of his time in BP custody.

Article IV of the Flores Settlement states that the INS will treat "all minors in its custody with dignity, respect and special concern for their particularly vulnerability as

*Consulate  
announcements*





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2601 N. Pinal Pkwy  
P.O. Box 654  
Florence, AZ 85232  
Tel: 520.868.0191  
Fax: 520.868.0192  
Web: www.firrp.org

minors." Following this, Article V says that the INS will "expeditiously process the minor... Following arrest, the INS shall hold minors in facilities that are safe and sanitary and that are consistent with the INS' concern for the particular vulnerability of minors." Given that (b)(6) underwent a serious operation less than a week before he entered detention, the fact that he was forced to sleep on the floor next to a toilet for two days while in BP detention seems both medically unsound and inconsistent with the BPs' charge to treat minors with dignity and hold them in a safe and sanitary environment. In addition, the exceedingly cold temperatures and (b)(6) inability to sleep because of the noise made by anti-migration ads being played over the loudspeakers disproportionately increased the risk that his post-operation recovery would be compromised, further endangering his health. Since (b)(6) was in the hospital supervised by BP agents who were in full knowledge of his status as an unaccompanied minor for a full week before he was sent to Tucson, we see no reason why he was forced to spend two nights in temporary custody, let alone in such detrimental conditions – arrangements could have easily been made to send him straight from processing at the Casa Grande station to the shelter in Phoenix.

Attached is a formal declaration by the concerned minor, detailing the abuse he experienced with as much detail as he can remember. Also attached is a consent form giving the Florence Project authority to receive personal information regarding (b)(6) (b)(6) case with your office and any related information regarding this incident of abuse and its subsequent investigation. We request that any copies of any correspondence with (b)(6) regarding this complaint be sent to our office as well.

We hope that this incident will be promptly investigated and forwarded on to the appropriate bodies such that proper action can be taken to prevent similar incidents from occurring in the future. Please do not hesitate to contact the Florence Project with any questions or concerns you might have regarding this complaint. We welcome the opportunity to meet with you and further assist you in resolving this issue.

Thank you for your attention to this important matter and for your assistance in ensuring that unaccompanied minors taken into Immigration custody along the Arizona/Sonora border are treated in accordance with our laws and common standards of human dignity.

Sincerely,

(b)(6)

(b)(6)

Compton Mentor Fellow, Children's Initiative  
The Florence Immigrant and Refugee Rights Project  
202 E. McDowell Road #250  
Phoenix, AZ 85004

(b)(6)

Fax: 602-340-0596

(b) (5)





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RIGHTS PROJECT

2601 N. Pinal Pkwy  
P.O. Box 654  
Florence, AZ 85232  
Tel: 520.868.0191  
Fax: 520.868.0192  
Web: www.firrp.org

Attachments:

-Affidavit of Alleged Abuse of (b)(6)

-Release of Information, signed by (b)(6)

Affidavit of Abuse

I, (b)(6) do swear under penalty of perjury that the following declaration is true and correct to the best of my knowledge.

- 1) I am seventeen years old and a native and citizen of Guatemala.
- 2) I entered the United States on or around September 18, 2010, through the desert near Altar, Sonora.
- 3) I was in a pickup truck with the rest of my group and the guide who brought us across, roughly one hour south of Phoenix, when the Border Patrol stopped our car at around midnight. The guide told us to run away, so we did. First, we ran up ahead of the truck, but then realized that there were more Border Patrol agents in that direction, so we went the other way. While we were running, I fell. As I got up, the guide started the car and backed up, hitting me. I fell to the ground and lost consciousness.
- 4) When I woke up, I tried to get up but I couldn't because my arm was broken. A Border Patrol agent was there but I couldn't really see him because my vision was very blurry. The paramedics came and took myself and two other people who had been hurt – one with a broken knee and one with a broken rib – to the emergency room of the hospital.
- 5) I lost consciousness again, and the next thing I remember, I was in a hospital room at Maricopa Medical Center. A doctor came in and explained my injuries. He said that I had a fractured shoulder, a broken arm, and a broken jaw and cheekbone. To fix it, they would have to put a metal plate in my jaw. They called my parents to get permission to do the operation.
- 6) During the week that I spent in the hospital, there was a Border Patrol agent with me at all times. I was also interviewed by an ICE agent while I was there. From the beginning, the Border Patrol knew that I was an unaccompanied minor.
- 7) I was released from the hospital on the 28<sup>th</sup> of September. I was then taken to the Casa Grande Border Patrol station, and given the chance to make a phone call to let my aunt know that I was out of the hospital. I was also given a sheet with the contact information for lawyers who could help me.
- 8) I spent half a day in Casa Grande, and was processed there (my fingerprints and information were taken, and I signed the papers saying that I wanted to see a judge). I was then taken to the Tucson Border Patrol Station, where I was processed for a second time, and put into a cell with several other unaccompanied minors. I spent two days in detention in Tucson.

9) The worst part about my time in Tucson was that I was forced to sleep on a very thin mattress on the floor. There was no room, so they put my mattress right next to the toilet. It was very cold, and I could not sleep, partly because of the cold and partly because the whole night people kept on going in and out of the cell. In addition, it was very loud because the Border Patrol agents were playing advertisements telling people not to cross the border over the loudspeaker the whole night. I was still recovering from my operation, and although the agents were very good about giving me my medicine at the right times, I felt really bad because I had to lie down next to the toilet and I couldn't sleep.

10) Finally, on October 2, 2010, I was brought to the shelter in Phoenix, AZ where I am now.

Executed in Phoenix, Arizona, October 21, 2010.

(b)(6)

Date: 10/21/17



(b)(6)

I,

authorize the United States Department of Homeland Security to share personal information regarding this official complaint with the Florence Immigrant and Refugee Rights Project.

*Yo autorizo al Departamento de Seguridad Nacional de los Estados Unidos a compartir información personal respecto a esta queja oficial con el Proyecto Florence para los Derechos de Inmigrantes y Refugiados.*

(b)(6)

Date: 10/21/10

**Immigration Enforcement Civil Rights Complaint Form**

NOV 30 2010

Today's Date: 11-8-10

## Contact Information for Complainant

(b)(6)  
First Name \_\_\_\_\_ Last Name \_\_\_\_\_  
(b)(6)  
A-Number \_\_\_\_\_ Alias (if any) \_\_\_\_\_  
(b)(6)  
Street Address \_\_\_\_\_  
San Antonio Texas 78227  
City State Zip Code  
Daytime Phone \_\_\_\_\_ Evening Phone \_\_\_\_\_  
Email/Other Contact \_\_\_\_\_

## Contact Information for Complainant Outside the U.S.

Street Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone \_\_\_\_\_

## Contact Information for Organization or Representative Submitting Complaint on Behalf of Individual

(b)(6)  
Contact Name \_\_\_\_\_ Organization \_\_\_\_\_  
(b)(6) raicetexas.org (b)(6)  
Email \_\_\_\_\_ Phone Number \_\_\_\_\_  
1305 N Flores  
Street Address \_\_\_\_\_  
San Antonio Texas 78212  
City State Zip Code

## Details of Complaint

1. Date and time of incident giving rise to complaint: 10-11-10 around noon
2. Agency (for example ICE or Border Patrol) or names of individual officers against whom complaint is filed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Location of incident: Hidalgo, Texas.
4. Contact information for any witnesses: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- I crossed the border along with my uncle, his wife, and about ten other people. We had been walking, and stopped to rest. While we were stopped, we were not in one whole group, and when my uncle, his wife, and I saw some immigration officials, we split up so each one was alone. The officials had surrounded us, and one of them caught me by the back of the jacket I was wearing. He started yelling at my not to run. I asked why I would run if he already caught me. I told him he should respect me, because I was respecting him, and I told him I am a minor. He continued yelling at me, and pushed me to the ground. While I was on the ground, he tried to kick me, but I saw it coming and grabbed his boot. He yelled and cussed at me, calling me names. He put the handcuffs on me, and while we were walking to the car, he asked how many people were in my group. I said there were thirteen, and he took out his pistol, pointed it at me, cocked it, and said he didn't believe me. He said I should stop lying, but I told him I didn't have a reason to lie. Eventually he put his pistol away.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



Signature of Complainant and Consent to Share Information

I hereby authorize RAICES [name of organization] to act on my behalf in this complaint and direct the Department of Homeland Security to release any and all records and information related to my complaint to (b)(6) (contact name) at RAICES (organization).

Date: 11-4-10

Printed Name: (b)(6)

Signature: (b)(6)

RAICES, INC.  
Refugee & Immigrant Center  
1305 North Flores St  
San Antonio, TX 78212

CERTIFIED MAIL



7009 2820 0004 3948 8097

**F-1**

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Delivery Point

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Review and Compliance

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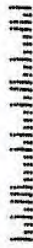


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Dept. of Homeland Security  
Office for Civil Rights and Civil Liberties  
Review and Compliance  
245 Murray Lane, SW  
Building 410, Mail Stop # 0800  
Washington DC 20528



From: (b)(6)  
To: (b)(6)  
Cc: (b)(6)  
Subject: FW: Question about OIG Referral  
Date: Tuesday, April 03, 2012 5:21:35 PM

---

It's been a while since I touched base with you on this, but I wanted to let you know the latest. Basically, it appears that nothing was ever done regarding the other three complainants in Complaint No. 11-01-CBP-0014. In the end, the OIG investigated one of the complainant's allegations, and the IG claims to have referred the other three complaints to OPR, but OPR never conducted any investigation. So, ultimately, I think we have to work from square one on the other allegations. If I remember correctly, you already have the OIG ROI, but if you need it again, just let me know.

From: (b)(6)  
Sent: Tuesday, April 03, 2012 4:37 PM  
To: (b)(6)  
Subject: RE: Question about OIG Referral

(b)(6)

OPR never investigated this complaint. Have IG provide you the final OIG report for OIG case # I11-CBP-HOU-00546.

---

From: (b)(6)  
Sent: Tuesday, April 03, 2012 4:27 PM  
To: (b)(6)





OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
REFERRED COMPLAINT ASSISTANCE FORM

REFERRED COMPLAINT ASSISTANCE	
Assigned To:	Customs and Border Protection
Requested From:	DHS Headquarters Office for Civil Rights and Civil Liberties (CRCL)
POC:	(b)(6) Senior Policy Advisor (Compliance), (b)(6) (b)(6) <a href="http://hs.gov">hs.gov</a> .
Date Referred to CBP:	February 7, 2011
Deadline to CRCL:	Within 180 days of the date on the attached memo.
CRCL Complaint No:	10-10-CBP-0166
SYNOPSIS	
<p>These two complaints were received on July 20, 2010 and October 6, 2010 on behalf of unaccompanied minors (b)(6) and (b)(6), respectively. Due to the fact that both instances occurred in Arizona and involve Border Patrol apprehensions, CRCL has decided to group these two complaints together. The allegations are as follows:</p> <ul style="list-style-type: none"><li>• UAC (b)(6) stated that on May 14, 2010 he was traveling through the Arizona desert when he and others stopped to sleep. He alleges that his group was awakened by Border Patrol agents yelling and kicking them. (b)(6) alleges that agents restrained his hands together so tightly that his circulation was cut off and that appeals to the agents to loosen the restraints were ignored. (b)(6) further alleges that he was detained by Border Patrol in Tucson for three days but was provided only crackers and juice;</li><li>• UAC (b)(6) stated that on September 16, 2010, he was apprehended by Border Patrol agents in an unspecified Arizona location. He alleges that the apprehending agent became upset with him because he did not understand English when the agent asked him to put his arms behind his back. Because of that, the agent allegedly then grabbed the minor by the back of his neck and pushed his head down against a vehicle, causing a cut under the minor's right eye.</li></ul>	
ISSUES/ALLEGATIONS	
Issues/Allegations to be addressed in CBP Fact Finding Report/ROI submitted to DHS CRCL:	<ul style="list-style-type: none"><li>• (b)(5)</li><li>•</li><li>•</li><li>•</li><li>•</li><li>•</li></ul>

	<ul style="list-style-type: none"> <li>• (b)(5)</li> </ul>
<p><b>Information/Documents requested by DHS CRCL:</b></p>	<ul style="list-style-type: none"> <li>• All policies or guidelines used by Border Patrol agents in the involved Sector, regarding apprehension and/or use of restraints on minors.</li> <li>• Interviews of the agents involved in the minors' apprehension and processing.</li> <li>• Any reports (including use of force reports) related to the apprehension of (b)(6)</li> <li>• All records demonstrating the minors were screened for medical issues, or that processing agents observed and/or treated the injuries alleged by (b)(6)</li> <li>• Meal logs for the time period when (b)(6) was in Border Patrol custody.</li> </ul>

*Protected by Attorney-Client and Deliberative Process Privileges*







Homeland  
Security

July 29, 2013

(b)(6)

Acting Director, Division of Unaccompanied Children's Services  
Office of Refugee Resettlement  
Administration for Children and Families  
U.S. Department of Health and Human Services  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

Re: Complaint No. 11-01-CBP-0110

(b)(6)

Dear (b)(6)

On October 6, 2010, the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received your correspondence regarding (b)(6) an unaccompanied alien child (UAC) apprehended by U.S. Border Patrol (USBP) on September 9, 2010, near McAllen, Texas. (b)(6) alleged that when she tried to run away from a Border Patrol agent (BPA) who ordered her to "stop," he grabbed her, handcuffed her to a male and dragged them together along the ground, causing her to hit her head on the ground and sustain two bruises on her neck, scratches to her shoulders and arms, and thorns in her head.

Pursuant to 6 U.S.C. § 345 and 42 U.S.C. 2000ee-1, CRCL opened this complaint and referred it to U.S. Customs and Border Protection (CBP) for investigation. CRCL has reviewed CBP's investigation, including related documents and records indicating that BPAs promptly transported (b)(6) to Mission Regional Medical Center upon apprehension after she disclosed a pre-existing irregular heartbeat and reported trouble breathing. At the hospital, she was treated, and cleared for travel. CBP reported that there was no mention of other medical issues observed or reported in the hospital medical records. Further, (b)(6) I-213 record contains no indication that force was used during her apprehension and also states that upon departing the hospital (b)(6) stated she "[s]he feels ok now." Based on our review of the investigation, we were unable to substantiate (b)(6) allegations of physical abuse. Thus, CRCL is closing this complaint with no further action.

We apologize for the delay in responding to this complaint and appreciate you bringing this matter to our attention; inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties. If in the future you have concerns relating to civil rights and civil liberties violations by DHS, please contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at [crcl@dhs.gov](mailto:crcl@dhs.gov).

Sincerely,



Dana Salvano-Dunn  
Deputy Director for Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security





OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
COMPLAINT WITHOUT RECOMMENDATIONS  
CLOSURE MEMORANDUM

To: (b)(6)  
From: (b)(6)  
Date: July 29, 2013  
Complaint Number: 11-01-CBP-0110  
Complainant Name (Alien Number): (b)(6)

**Reason(s) for Closure without Recommendations (check all that apply):**

<input type="checkbox"/> Insufficient information to investigate <input type="checkbox"/> Withdrawal of complaint <input type="checkbox"/> Lack of jurisdiction <input type="checkbox"/> Allegation(s) untimely/overtaken by events <input type="checkbox"/> Component and/or facility has already corrected the problem <input checked="" type="checkbox"/> Allegation(s) against component, individual, and/or facility unfounded or unsubstantiated	<input type="checkbox"/> Allegation(s) substantiated but does not warrant recommendations <input type="checkbox"/> No finding of detention standards violations <input type="checkbox"/> No finding of policy or procedure violations <input type="checkbox"/> Complaint added to information layer and closed (linked) <input type="checkbox"/> Complaint being handled as part of another related complaint (related) <input type="checkbox"/> Other (provide details):
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**Complaint Synopsis and Explanation of Closing Rationale:**

On October 6, 2010, CRCL received correspondence from HHS/ORR reporting that unaccompanied alien child (UAC) (b)(6) was mistreated by U.S. Border Patrol (USBP) agents on September 9, 2010, near McAllen, Texas. (b)(6) alleged that she tried to run away from an agent who ordered her to "stop," and then grabbed her, handcuffed her to a male who was apprehended with her, and dragged them together along the ground, which caused (b)(6) to hit her head on the ground and sustain two bruises on her neck, scratches to her shoulders and arms, and thorns in her head.

On March 4, 2011, CRCL referred this complaint to CBP, bundled together with three other UAC complaints (11-01-CBP-0110, 11-01-CBP-0014, and 10-10-CBP-0278). On March 9, 2011, CRCL learned that DHS' Office of Inspector General (OIG) retained all four complaints for investigation prior to CRCL receiving them. Approximately 13 months later, OIG notified CRCL that they did not investigate three of the complaints: 10-12-CBP-0277 (b)(6), 11-01-CBP-0110 (b)(6), and 10-10-CBP-0278 (b)(6). In order to adequately address the main allegations, CRCL emailed CBP a short form inquiry on September 13, 2012 requesting relevant information.

On November 14, 2012, CRCL received responsive documents from CBP on the above-referenced complaint. Upon review, (b)(6) I-213 does not indicate that use of force was necessary during her apprehension and none was reported. Additionally, due to the lapse in time which occurred while the IG had the complaint, it is unlikely that CBP would receive more information via alternate means, such as interviews. It does state that she was taken to Mission Regional Medical Center (MRMC) upon apprehension when she complained of shortness of

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breath,<sup>1</sup> was examined and cleared by a MRMC doctor , and shortly afterwards while being interviewed by USBP, stated to BPAs that she “feel[s] ok now.” There are no USBP or MRMC records demonstrating that she reported an injury or requested medical attention for any other reason. Additionally, the ICE Health Service Corps’ (IHSC) medical record for (b)(6) indicates that according to MRRC she presented only with an irregular heartbeat.

Based on the information we reviewed, CRCL cannot substantiate (b)(6) allegations. Therefore, I recommend that we close this complaint with no further action.

**Suggested Closure Method(s) (check all that apply):**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Close letter to complainant | <input type="checkbox"/> Close email/memo to component                |
| <input type="checkbox"/> Phone call                             | <input type="checkbox"/> High level component communication           |
| <input type="checkbox"/> No notification necessary              | <input type="checkbox"/> Close Memo ( <b>No contact information</b> ) |
| <input type="checkbox"/> Other (provide details):               |   |

**Comments (optional):**

**For Completion by Reviewer:**

**Closure Recommendation Accepted** Wan Sh

**Closure Recommendation Not Accepted** \_\_\_\_\_

**Further Action Required:** \_\_\_\_\_

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<sup>1</sup> The medical records provided indicate that it was actually a pre-existing irregular heartbeat for which she did not have her medicine.

**From:** (b)(6)  
**Sent:** Wednesday, November 14, 2012 3:05 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** FW: CRCL Short Form Bundled Complaint  
**Attachments:** Feeding Log (b)(6).pdf; 11-01-CBP-0110 Ponce.pdf

Ms (b)(6)

Attached is the information you requested pertaining to:

11-01-CBP-0110, (b)(6)  
10-10-CBP-0278, (b)(6)

In the case of (b)(6) I have highlighted the arresting agent information on the I-213. There was no use of force report associated with her arrest.

In the case of (b)(6) the feeding log does not reflect that she was fed while in Border Patrol custody. According to Acting Deputy Patrol Agent in Charge (b)(6) Weslaco Border Patrol Station, although the log does not show that (b)(6) was fed, other detainees present at the same time were fed at 2:02 p.m. and when one is fed, all are fed.

Both attachments are password protected and I will send the password in a separate email. Please let me know if I may be of further assistance.

Sincerely,

(b)(6)

**Assistant Chief**  
**U.S. Border Patrol HQ**  
**CBP IA/IOD Liaison**

(b)(6)

---

**From:** (b)(6) (IA)  
**Sent:** Wednesday, November 07, 2012 2:53 PM  
**To:** (b)(6)  
**Subject:** FW: CRCL Short Form Bundled Complaint

(b)(6)

Would it be possible to obtain the below information reference the two individuals? I'll forward you the original response that she is referring to.

(b)(6)

(b)(6) Supervisory Special Agent  
CBP Internal Affairs  
Investigative Operations Division  
(b)(6)

---

**From:** (b)(6)  
**Sent:** Wednesday, November 07, 2012 2:45 PM  
**To:** (b)(6) L (IA)  
**Cc:** (b)(6)  
**Subject:** CRCL Short Form Bundled Complaint

Hi (b)(6)

My name is Jennifer and I am working with (b)(6) on the CRCL Short Form Bundled Complaint regarding the following UAC complaints:

1. 10-12-CBP-0277, (b)(6)
2. 11-01-CBP-0110, (b)(6)
3. 10-10-CBP-0278, (b)(6)

The CBP response you forwarded on September 25, 2012, only contained information regarding the first complaint (b)(6). Did CBP send you any response regarding the other two complaints? For your reference, I have pasted the original requests for information below. Should you have any questions, please do not hesitate to contact me.

Thank you,

(b)(6)

11-01-CBP-0110, (b)(6)

CRCL requests the following information:

- (b)(5)
- 
- 
- 

10-10-CBP-0278, (b)(6)

CRCL requests the following information:

- Feeding logs for (b) (6) while she was in USBP custody.

---

(b)(6)

Legal Fellow  
Office for Civil Rights and Civil Liberties

(b)(6)

(b)(6)

[q.dhs.gov](mailto:(b)(6)@oig.dhs.gov)



*This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security's Office of the General Counsel before disclosing any information contained in this email.*

**Dent, Martina**

---

**From:** (b)(6) [redacted]@dhs.gov  
**Sent:** Thursday, January 20, 2011 9:11 AM  
**To:** (b)(6) [redacted]  
**Cc:**  
**Subject:** RE: CRCL Complaint Number 11-02-CBP-0040

*Office of Inspector General*

*U.S. Department of Homeland Security*



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

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**From:** (b)(6) [redacted]@dhs.gov  
**Sent:** Thursday, January 06, 2011 2:21 PM  
**To:** (b)(6) [redacted]  
**Cc:** (b)(6) [redacted]  
**Subject:** CRCL Complaint Number 11-02-CBP-0040

(b)(6) [redacted]

Summary of new complaint for your review:

On November 18, 2010, CRCL received an emailed referral from Department of Health and Human Services in regards to (b)(6) [redacted] an unaccompanied minor who filed a Significant Incident Report with (DHHS) on October 8, 2010. Allegedly on October 7, 2010 as (b)(6) [redacted] was attempting to escape the physical abuse and threats in her home country of El Salvador, she was apprehended by Border Patrol as she was crossing the Rio Grande River, and physically and mentally abused by the apprehending agents and the four agents who interrogated her. (b)(6) [redacted] recounts that as she was walking with her travel group, border patrol agents surprised her, chased her and knocked her to the ground.

However, (b)(6) [redacted] states she was apprehended at a checkpoint while traveling from Laredo, TX to Houston, TX after spending 15 days at her sister (b)(6) [redacted] mother-in-law's home; she was traveling with her sister (b)(6) [redacted] husband, (b)(6) [redacted] and other members of his family when border patrol agents detained them for questioning. She states that she was taken to a room on her own and then four agents apparently removed their name badges before they questioned her, then they questioned her for what seemed to her as a long period of time. She states that she tried to answer their questions truthfully but felt very pressured to give a response as quickly as possible. She also states that she was told by these border patrol agents that if she did not answer truthfully she would be placed in another building with another agent. According to (b)(6) [redacted] she was also informed that if she was placed in the other building they (border patrol

agents) would not be responsible for whatever happened to her there. (b)(6) states she believes they implied she would be harmed if she did not answer their questions.

(b)(6) also reported a border patrol agent hit her on her abdomen after he finished fingerprinting her, then the agent let his hand drop down and then placed it on his gun. She that she was still standing next to him when he used the back of his hand to hit her on the abdomen, which hurt and left bruising where he apparently hit her. Then she questioned him about it and he answered by saying she had to tell them (border patrol agents) the truth. (b)(6) states her yellow shirt has ink stains where the agent hit her. (b)(6) feels that she would be able to identify the agents if she saw them again however she was unable to get their names.

(b)(6) states she was detained and then transported to the adult detention center, but later informed a female agent that she was a minor. (b)(6) states that the agent apparently contacted her mother in El Salvador about her age, then transported to International Educational Service (IES)-Shelter in Los Fresnos, Texas, where she is receiving shelter and counseling.

Thank you.

---

(b)(6)  
Program Analyst  
Compliance Branch  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(b)(6) phone)  
[dhs.gov](https://dhs.gov)





Homeland  
Security

January 10, 2013

(b)(6)

Director, Division of Unaccompanied Children's Services  
Office of Refugee Resettlement  
Administration for Children and Families  
U.S. Department of Health and Human Services  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

Re: Complaint No. 11-02-CBP-0040

(b)(6)

Dear (b)(6)

On November 18, 2010, CRCL received via e-mail an October 8, 2010 Significant Incident Report from HHS/ORR on behalf of 17-year-old Unaccompanied Alien Child (UAC) (b)(6)

(b)(6)

The SIR alleges that: (a) (b)(6) was subjected to a long interrogation by four USBP agents who pressured her to answer their questions quickly; (b) (b)(6) was told by USBP agents that if she did not answer truthfully she would be placed in another building where the interrogating USBP agents would not be responsible for what happened to her; (c) the USBP agents who questioned (b)(6) took off their name badges before her interrogation; and (d) that the USBP agent who fingerprinted (b)(6) hit her in her stomach with the back of his hand and then put his hand on his gun. The SIR states that (b)(6) bruised as a result of being hit in the stomach, and that fingerprint ink from the USBP agent's hand transferred to (b)(6) yellow shirt when she was hit.

CRCL referred the complaint to U.S. Customs and Border Protection's Office of Internal Affairs (CBP-IA) for investigation, and we were provided the Report of Investigation (ROI). Each USBP agent who had contact with (b)(6) during questioning and processing was interviewed by CBP-IA and gave sworn affidavits regarding the allegations. In an attempt to interview (b)(6) the CBP-IA investigators traveled to the UAC's last known address, but she had moved and did not leave forwarding contact information.

As a result of the ROI and (b)(6) unavailability for interview, CRCL cannot substantiate any of the allegations in the SIR.

In conclusion, we are closing this complaint as of the date of this letter.

We appreciate you bringing this matter to our attention. If in the future you have concerns relating to civil rights and civil liberties violations by DHS, please contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at [crcl@dhs.gov](mailto:crcl@dhs.gov)

Sincerely,

A handwritten signature in black ink, appearing to read "Dana Salvano-Dunn". The signature is fluid and cursive, with the first name "Dana" being more prominent than the last name.

Dana Salvano-Dunn  
Deputy Director for Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security





OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
COMPLAINT WITHOUT RECOMMENDATIONS  
CLOSURE MEMORANDUM

To: (b)(6)  
From: (b)(6)  
Date: January 10, 2013  
Complaint Number: 11-02-CBP-0040  
Complainant Name (Alien Number): (b)(6)

**Reason(s) for Closure without Recommendations (check all that apply):**

<input type="checkbox"/> Insufficient information to investigate <input type="checkbox"/> Withdrawal of complaint <input type="checkbox"/> Lack of jurisdiction <input type="checkbox"/> Allegation(s) untimely/overtaken by events <input type="checkbox"/> Component and/or facility has already corrected the problem <input checked="" type="checkbox"/> Allegation(s) against component, individual, and/or facility unfounded or unsubstantiated	<input type="checkbox"/> Allegation(s) substantiated but does not warrant recommendations <input type="checkbox"/> No finding of detention standards violations <input type="checkbox"/> No finding of policy or procedure violations <input type="checkbox"/> Complaint added to information layer and closed (linked) <input type="checkbox"/> Complaint being handled as part of another related complaint (related) <input type="checkbox"/> Other (provide details):
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**Complaint Synopsis and Explanation of Closing Rationale:**

On November 18, 2010, CRCL received via e-mail an October 8, 2010 Significant Incident Report (SIR) from HHS/ORR on behalf of 17 year-old Unaccompanied Alien Child (UAC) (b)(6). The SIR alleges that: (a) (b)(6) was subjected to a long interrogation by four USBP agents who pressured her to answer their questions quickly; (b) (b)(6) was told by USBP agents that if she did not answer truthfully she would be placed in another building where the interrogating USBP agents would not be responsible for what happened to her; (c) the USBP agents who questioned (b)(6) took off their name badges before her interrogation; and (d) that the USBP agent who fingerprinted (b)(6) hit her in her stomach with the back of his hand and then put his hand on his gun. The SIR states that (b)(6) was bruised as a result of being hit in the stomach, and that fingerprint ink from the USBP agent's hand transferred to (b)(6) yellow shirt when she was hit.

CRCL confirmed that on October 2, 2010, United States Border Patrol (USBP) arrested (b)(6) at a USBP checkpoint located between Laredo and Houston, Texas. (b)(6) admitted to illegally being in the United States and was transported to USBP's Laredo North Station, where the events described above are alleged to have occurred.

On November 4, 2011, CRCL referred the complaint to U.S. Customs and Border Protection (CBP) for investigation. On May 4, 2012, CRCL was provided an April 20, 2012 Report of Investigation (ROI) from CBP's Office of Internal Affairs (CBP-IA). CBP-IA interviewed each of the four USBP agents who had contact with (b)(6) on October 2, 2010, at the Laredo North Station. Each denied all allegations stated in the SIR. In particular, the USBP who fingerprinted (b)(6) denied hitting her or threatening her by putting his hand on his gun. The ROI included sworn affidavits from each of the four USBP agents regarding the allegations..

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Neither the SIR nor the ROI contained photographs or other evidence of any ink transfer onto a yellow shirt, or of bruising on (b)(6) stomach. In an attempt to interview (b)(6) the CBP-IA investigators traveled to her last known address, but she had moved and did not leave forwarding contact information.

As a result of the ROI, the lack of direct evidence to support the allegations, and (b)(6) unavailability for interview, CRCL cannot substantiate the allegations in the SIR.


I recommend that we close this complaint without further action.

**Suggested Closure Method(s) (check all that apply):**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Close letter to complainant | <input type="checkbox"/> Close email/memo to component                             |
| <input type="checkbox"/> Phone call                             | <input type="checkbox"/> High level component communication                        |
| <input type="checkbox"/> No notification necessary              | <input type="checkbox"/> Close Memo ( <b>No contact information</b> ) <sup>1</sup> |
| <input type="checkbox"/> Other (provide details):               |  |

**Comments (optional):**

*For Completion by Reviewer:*

Closure Recommendation Accepted 

Closure Recommendation Not Accepted \_\_\_\_\_

Further Action Required: \_\_\_\_\_

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(b)(6)

**From:** (b)(6) dhs.gov]  
**Sent:** Thursday, January 13, 2011 4:21 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** RE: CRCL Complaint Number 11-02-CBP-0041

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

---

**From:** (b)(6) dhs.gov]  
**Sent:** Friday, January 07, 2011 4:42 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** CRCL Complaint Number 11-02-CBP-0041

(b)(6)

Summary of new complaint for your review:

On November 18, 2010, CRCL received email referral from Department of Health and Human Services for (b)(6) (b)(6), an unaccompanied minor who on October 29, 2010 filed a Significant Incident Report with the Office of Refugee Resettlement Division of Unaccompanied Children's Services. (b)(6) alleges that on October 25, 2010, a Customs and Border Protection Staff Member physically abused her.

On October 28, 2010 approximately 6:45 p.m., (b)(6) disclosed to clinician (b)(6) MSW that she was detained by Border Patrol on October 25, 2010. She stated that at the time she was detained the officer grabbed the back of the backpack on her back and forced her to run alongside him as he chased another one of her travel companions. (b)(6) stated that she tripped and fell among some cactus and that the officer continued to drag her behind him, and then she asked the officer to stop, but that he stated "you were able to run away from me now you can run with me." (b)(6) states that she had multiple cactus needles in her legs and the officers showed no concern. She continues to have needles in her legs that she has not had success in getting out.

Currently (b)(6) is at (b)(6) in Phoenix, Arizona.

Thank you.

---

(b)(6)

Program Analyst

Compliance Branch

Office for Civil Rights & Civil Liberties

Department of Homeland Security

(b)(6)

(b)(6)

[hs.gov](#)





Homeland  
Security

March 13, 2013

(b)(6)

Acting Director, Division of Unaccompanied Children's Services  
Office of Refugee Resettlement  
Administration for Children and Families  
U.S. Department of Health and Human Services  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

Re: Complaint No. 11-02-CBP-0041

(b)(6)

Dear

(b)(6)

On November 18, 2010, CRCL received via e-mail an October 29, 2010, Significant Incident Report (SIR) from HHS/ORR on behalf of Unaccompanied Alien Child (UAC) (b)(6)

(b)(6) The SIR alleges that during the UAC's October 25, 2010, apprehension and arrest by U.S. Customs and Border Protection (CBP) as part of a group of aliens a U.S. Border Patrol agent (BPA) grabbed her backpack and forced her to run alongside him while chasing others. (b)(6) also alleged that she tripped and fell into cacti while being forced to run with the BPA, who then dragged her behind him after she fell.

On April 1, 2011, CRCL referred the complaint to the Joint Intake Center (JIC). On April 5, 2011, the JIC assigned the case to U.S. Customs and Border Protection (CBP) Internal Affairs (IA) for investigation. On December 17, 2012, CBP IA provided this Office with their Report of Investigation (ROI). As part of their investigation, IA interviewed the BPAs involved in the apprehension and reviewed numerous documents related to the UAC's arrest and processing. The IA ROI concludes that there was no evidence that the UAC sustained any injury during her arrest by Border Patrol, and therefore the ROI suggests that her claim cannot be substantiated. The IA investigators also attempted to contact the UAC for interview on three different occasions during their investigation, but were unable to reach her.

After review of the ROI and given IA's inability to interview the UAC, CRCL is unable to substantiate any of the allegations in the SIR. Consequently, we are closing this complaint..

We appreciate you bringing this matter to our attention. If in the future you have concerns relating to civil rights and civil liberties violations by DHS, please contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at [crcl@dhs.gov](mailto:crcl@dhs.gov)

Sincerely,

A handwritten signature in black ink, appearing to read 'Dana Salvano-Dunn'.

Dana Salvano-Dunn  
Deputy Director for Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

Page 1 of 2

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act



Page 2 of 2

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act



OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
COMPLAINT WITHOUT RECOMMENDATIONS  
CLOSURE MEMORANDUM

To: Dana Salvano-Dunn  
From: (b)(6)  
Date: March 13, 2013  
Complaint Number: 11-02-CBP-0041  
Complainant Name (Alien Number): (b)(6)

**Reason(s) for Closure without Recommendations (check all that apply):**

- |   |  |
|---|--|
| <input type="checkbox"/> Insufficient information to investigate<br><input type="checkbox"/> Withdrawal of complaint<br><input type="checkbox"/> Lack of jurisdiction<br><input type="checkbox"/> Allegation(s) untimely/overtaken by events<br><input type="checkbox"/> Component and/or facility has already corrected the problem<br><input checked="" type="checkbox"/> Allegation(s) against component, individual, and/or facility unfounded or unsubstantiated | <input type="checkbox"/> Allegation(s) substantiated but does not warrant recommendations<br><input type="checkbox"/> No finding of detention standards violations<br><input type="checkbox"/> No finding of policy or procedure violations<br><input type="checkbox"/> Complaint added to information layer and closed (linked)<br><input type="checkbox"/> Complaint being handled as part of another related complaint (related)<br><input type="checkbox"/> Other (provide details): |
|---|--|

**Complaint Synopsis and Explanation of Closing Rationale:**

On November 18, 2010, CRCL received via e-mail an October 29, 2010, Significant Incident Report (SIR) from HHS/ORR on behalf of Unaccompanied Alien Child (UAC) (b)(6). (b)(6) The SIR alleges that during (b)(6) October 25, 2010, apprehension and arrest by U.S. Customs and Border Protection (CBP) as part of a group of aliens a U.S. Border Patrol agent (BPA) grabbed her backpack and forced her to run alongside him while chasing others. (b)(6) also alleged that she tripped and fell into cacti while being forced to run with the BPA, who then dragged her behind him after she fell.

On April 1, 2011, CRCL referred the complaint to the Joint Intake Center (JIC). On April 5, 2011, the JIC assigned the case to CBP Internal Affairs (IA) for investigation. On December 17, 2012, CBP IA provided a Report of Investigation (ROI) dated September 1, 2011. In connection with their investigation into this allegation, IA interviewed five BPAs who were involved with (b)(6) arrest and processing. None of those five BPAs recalled (b)(6) nor did any of them recall any alien in her group of arrestees reporting an injury. The BPAs stated that the area in which (b)(6) was apprehended is hilly with many cacti, and it is common for aliens to slip and fall there.

The IA ROI included a copy of (b)(6) I-213, which stated that she appeared to be "in good health." The ROI also included a medical screening form, on which no obvious injuries to the UAC were noted. Further, on the form I-93, (b)(6) did not claim that she needed medical attention or was physically abused. The Patrol Agent in Charge of the Tucson Coordination Center, where (b)(6) was held, reported that there is no record of (b)(6) requesting or requiring medical care while there. Although HHS/ORR informed CRCL on December 16, 2010, that (b)(6) received first aid during intake at the

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ORR-sanctioned shelter, it is not apparent whether the issues that required first aid were linked to the UAC's claim of excessive force, or were simply injuries incurred while travelling through the rough terrain, or otherwise.

IA investigators attempted to contact (b)(6) for interview three times between June and August 2011, but were unsuccessful.

Based on information in the ROI, and because the IA investigators were unable to interview the UAC, CRCL cannot substantiate the allegations in the SIR. I recommend that we close this complaint without further action.

**Suggested Closure Method(s) (check all that apply):**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Close letter to complainant | <input type="checkbox"/> Close email/memo to component                             |
| <input type="checkbox"/> Phone call                             | <input type="checkbox"/> High level component communication                        |
| <input type="checkbox"/> No notification necessary              | <input type="checkbox"/> Close Memo ( <b>No contact information</b> ) <sup>1</sup> |
| <input type="checkbox"/> Other (provide details):               |  |

**Comments (optional):**

**For Completion by Reviewer:**

Closure Recommendation Accepted



Closure Recommendation Not Accepted \_\_\_\_\_

Further Action Required: \_\_\_\_\_

---

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(b)(6)

**From:** (b)(6) [dhs.gov]  
**Sent:** Thursday, January 13, 2011 4:24 PM  
**To:** (b)(6)  
**Cc:** Wong, Annie  
**Subject:** RE: CRCL Complaint Number 11-02-CBP-0043

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

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**From:** (b)(6) [dhs.gov]  
**Sent:** Wednesday, January 12, 2011 5:01 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** CRCL Complaint Number 11-02-CBP-0043

(b)(6)

Summary of new complaint for your review:

On November 30, 2010, CRCL received facsimile from (b)(6) of The Florence Immigrant and Refugee Rights Project on behalf of (b)(6) an unaccompanied minor that alleges that on September 28, 2010 while detained at Tucson Border Patrol Station in Arizona, the condition of the detention facility where (b)(6) was held was not sanitary or proper given (b)(6) September 20, 2010 surgery to repair his broken jaw through the insertion of a metal plate.

(b)(6) states that on September 20, 2010, (b)(6) sustained injuries, including a broken arm, fractured shoulder and a broken jaw and cheekbone while in Phoenix, Arizona when he was run over by a truck that he had been riding in prior to his arrest by Border Patrol; as result (b)(6) was hospitalized at Maricopa Medical Center and underwent surgery on his broken jaw. (b)(6) states that once (b)(6) was released from the hospital a week later, (b)(6) was spent a half a day at Casa Grande Border Patrol Station, then two-days at Tucson Border Patrol Station. (b)(6) states that while (b)(6) was at the Tucson Border Patrol Station, he was in a room with other unaccompanied minors, forced to sleep on a thin mattress on the floor right next to the toilet and listen to loud advertisements over the loudspeaker throughout the night. (b)(6) states that

detention conditions were unsafe, unsanitary, loud, and endangered Contreras-Lopez health since he was still recovering from major surgery.

(b)(6) states that since (b)(6) was in the hospital supervised by BP agents who were in full knowledge of his status as an unaccompanied minor for a full week before he was sent to Tucson, she sees no reason why he was forced to spend two nights in temporary custody, let alone in such detrimental conditions - arrangements could have easily been made to send him straight from processing at the Casa Grande station to the shelter in Phoenix.

Thank you.

---

(b)(6)

Program Analyst  
Compliance Branch  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6) phone)

(b)(6) [hs.gov](https://hs.gov)



From: (b)(6)  
To: (b)(6)  
Cc: (b)(6)  
Subject: RE: CRCL Complaint # 11-02-CBP-0066  
Date: Thursday, February 17, 2011 10:44:34 AM

---

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) [hs.gov]  
Sent: Monday, February 14, 2011 9:10 AM  
To: (b)(6)  
Cc: (b)(6)  
Subject: CRCL Complaint # 11-02-CBP-0066

(b)(6)

Summary of a new complaint for your review:

This matter concerns an unaccompanied minor. On November 30, 2010, CRCL received by facsimile a letter dated October 29 2010 from (b)(6), Children's Initiative, The Florence Immigrant and Refugee Right Project, Phoenix, Arizona. The Florence Project wrote on behalf of (b)(6) a minor, alleging excessive use of force against (b)(6) by unidentified Border Patrol personnel at the time of his apprehension, as well as other alleged improper treatment by Border Patrol. The Florence Project states that (b)(6) (b)(6) a 17-year-old-citizen of Guatemala, was arrested on or around "September 30 []"2010, after walking for eight days in the desert near Altar, Sonora.

The complaint alleges that during apprehension, a Border Patrol Agent "punched him in the nose" causing bleeding and that Border Patrol never gave him any medical attention for his injured nose. (b)(6) (b)(6) further alleges that during one of the two hours he and other apprehended individuals had to walk in the desert with Border Patrol, they were not permitted to drink water. He alleges that the detention facility where he was taken afterward was cold and that the blanket he was provided was dirty. He further alleges that he was directed to sign papers he did not understand.



Thank you

(b)(6)

Office for Civil Rights & Civil Liberties

Department of Homeland Security

(b)(6) phone)

(b)(6) [dhs.gov](https://www.dhs.gov)

(b)(6)

**From:** (b)(6) [redacted] dhs.gov]  
**Sent:** Tuesday, February 01, 2011 8:59 AM  
**To:** (b)(6) [redacted]  
**Cc:**  
**Subject:** RE: CRCL Complaint Number 11-03-CBP-0059

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

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**From:** (b)(6) [redacted] @dhs.gov]  
**Sent:** Thursday, January 27, 2011 2:34 PM  
**To:** (b)(6) [redacted]  
**Cc:** [redacted]  
**Subject:** CRCL Complaint Number 11-03-CBP-0059

(b)(6)

Summary of new complaint for your review:

On December 28, 2010, CRCL received an emailed referral from Department of Health and Human Services (DHHS) in regards to (b)(6) [redacted] an unaccompanied minor who filed a Significant Incident Report with DHHS on December 23, 2010. Allegedly, in April 2010 Elder was apprehended in McAllen Sector of Texas, then detained by Border Patrol for 5 days and neglected while detained. He states that he was fed once per day, and only a juice and one sandwich; slept on cold cement; and not given a blanket or adequate clothing for the temperature of the cell, prior to his transfer to Office of Refugee Resettlement, Union County Juvenile Detention Program in Linden, New Jersey. The incident date is unclear because the SIR form states December 22, 2010 as the incident date, but the synopsis of the incident states April 2010 as the incident time-frame.

Thank you.

(b)(6)

Program Analyst  
Compliance Branch  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6) phone)  
[dhs.gov](https://www.dhs.gov)



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**Homeland  
Security**

June 14, 2013

(b)(6)

Acting Director, Division of Unaccompanied Children's Services  
Office of Refugee Resettlement  
Administration for Children and Families  
U.S. Department of Health and Human Services  
370 L'Enfant Promenade, SW  
Washington, DC 20447

Re: Complaint No. 11-03-DHS-0071

(b)(6)

Dear (b)(6)

This letter is in response to a Significant Incident Report (SIR) the Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from your office on December 17, 2010. Pursuant to 6 U.S.C. 345 and 42 U.S.C. 2000ee-1, CRCL determined that the matters raised by your complaint would be reviewed by Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security (DHS), which would report its findings to this Office.

ICE reviewed the information and allegations provided in your SIR and conducted an internal investigation. Specifically, ICE investigated the allegations that, subsequent to his apprehension on November 27, 2010, U.S. Border Patrol (USBP) ignored a claim of minority by unaccompanied alien child (UAC) (b)(6) resulting in the UAC being transferred to ICE custody and detained as an adult. The UAC also alleged he was denied telephone access while detained by ICE and was forced by other ICE detainees to fight, resulting in an injury to the left side of his stomach. We apologize for the delayed response.

To address the allegations, ICE researched records created as a result of the apprehension, including the UAC's processing, custody and medical records, and telephone history and facility log books at two ICE detention facilities. ICE concluded its investigation and provided a Report of Investigation (ROI) and supporting documents to CRCL, which we carefully reviewed.

Based on CRCL's review of the information provided by ICE, we did not substantiate that (b)(6) (b)(6) was denied telephone access. Telephone records demonstrate that he had access to the telephone at both facilities where he was housed and he in fact made multiple phone calls, one of which resulted in contact with his mother. A review of medical records, the disciplinary record and

facility log book entries show no indication that (b)(6) was involved in any physical altercations or sustained any injury; we therefore cannot substantiate his allegations regarding being forced to fight in ICE custody and being injured as a result. Finally, we did find that (b)(6) (b)(6) was transferred by CBP to ICE as an adult due to conflicting birthdates provided in previous apprehensions. CRCL is currently working with CBP on policy to ensure that any claim of minority is appropriately evaluated during processing.

This concludes our review of this complaint. We appreciate you bringing this matter to our attention. If in the future you have concerns relating to civil rights and civil liberties violations by DHS, please contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at [crcl@dhs.gov](mailto:crcl@dhs.gov).

Sincerely,



Jeffrey Blumberg  
Director for Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security





OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
COMPLAINT WITHOUT RECOMMENDATIONS  
CLOSURE MEMORANDUM

To: (b)(6)  
From: (b)(6)  
Through: (b)(6)  
Date: June 14, 2013  
Complaint Number: 11-03-DHS-0071  
Complainant Name: (b)(6)

**Reason(s) for Closure without Recommendations:**

- |  |  |
|--|--|
| <input type="checkbox"/> Insufficient information to investigate<br><input type="checkbox"/> Withdrawal of complaint<br><input type="checkbox"/> Lack of jurisdiction<br><input type="checkbox"/> Allegation(s) untimely/overtaken by events<br><input checked="" type="checkbox"/> Component is correcting the problem<br><input checked="" type="checkbox"/> Allegation(s) against component, individual, and/or facility unfounded or unsubstantiated | <input type="checkbox"/> Allegation(s) substantiated but does not warrant recommendations<br><input type="checkbox"/> No finding of detention standards violations<br><input type="checkbox"/> No finding of policy or procedure violations<br><input type="checkbox"/> Complaint added to information layer and closed (linked)<br><input type="checkbox"/> Complaint being handled as part of another related complaint (related)<br><input type="checkbox"/> Other (provide details): |
|--|--|

**Complaint Synopsis and Explanation of Closing Rationale:**

On December 17, 2010, CRCL received a SIR from HHS ORR DUCS containing allegations that a UAC reported he was wrongfully detained as an adult, was denied an opportunity to make a phone call to obtain his birth certificate and was injured while in ICE custody. Allegations that the UAC was denied a phone call and injured in ICE custody were unsubstantiated. However, CRCL's review of records did demonstrate that, during intake, USBP unreasonably ignored the UACs claim of minority, resulting in him being detained as an adult for nine days. CRCL is currently involved in revising the *Hold Rooms and Short Term Custody Policy* and has made recommendations on how to properly evaluate claims of minority. Therefore, I recommend we close this complaint with no recommendations.


**Suggested Closure Method:**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Close letter to complainant  | <input type="checkbox"/> Close email/memo to component                             |
| <input type="checkbox"/> Phone call  | <input type="checkbox"/> High level component communication                        |
| <input type="checkbox"/> No notification necessary   | <input type="checkbox"/> Close Memo ( <b>No contact information</b> ) <sup>1</sup> |
| <input type="checkbox"/> Other: Ensure CRCL edits to the CBP <i>Hold Rooms and Short Term Custody Policy</i> are accepted. |  |

<sup>1</sup> Typically this occurs when a complainant has been removed from the United States and no contact information is available.

**Comments:** (b)(6) (CBP) has expressed concurrence with the CRCLs recommendation, and is meeting with (b)(6) on June 25, 2013, to finalize edits to the hold room policy.

*For Completion by Reviewer:*

**Closure Recommendation Accepted** 

**Closure Recommendation Not Accepted** \_\_\_\_\_

**Further Action Required:** \_\_\_\_\_

*Law Enforcement Sensitive/For Official Use Only*

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(b)(6)

**From:** (b)(6) [redacted] dhs.gov]  
**Sent:** Wednesday, March 09, 2011 2:39 PM  
**To:** (b)(6) [redacted]  
**Cc:**  
**Subject:** RE: CRCL Complaint Number 11-05-CBP-0119

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

**From:** (b)(6) [redacted] dhs.gov]  
**Sent:** Wednesday, March 09, 2011 11:42 AM  
**To:** (b)(6) [redacted]  
**Cc:**  
**Subject:** CRCL Complaint Number 11-05-CBP-0119

(b)(6)

Summary of new complaint for your review:

On February 15, 2011, CRCL received an email referral from DHHS in regards to the unaccompanied minor, (b)(6) [redacted] on February 8, 2011, (b)(6) [redacted] reported to clinician (b)(6) [redacted] MSW, that she was mistreated by Border Patrol at the time of her detainment. Allegedly, one of the officers handcuffed her left wrist very tightly causing her to feel extreme pain; then, the officer's laughed and called her names in response to (b)(6) [redacted] request to have the handcuffs loosened. (b)(6) [redacted] states that once the cuff was taken off, she found that her wrist was swollen and bruised. (b)(6) [redacted] did show the clinician her wrist and pointed to the bruise she still has from the tight handcuffs.

Thank you.

(b)(6)

Program Analyst  
Compliance Branch  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6) (phone)  
(b)(6) [dhs.gov](https://www.dhs.gov)

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(b)(6)

**From:** (b)(6) [hs.gov]  
**Sent:** Thursday, March 10, 2011 7:41 AM  
**To:** (b)(6)  
**Cc:**  
**Subject:** RE: CRCL Complaint Number 11-05-CBP-0120

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

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**From:** (b)(6) [hs.gov]  
**Sent:** Wednesday, March 09, 2011 12:18 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** CRCL Complaint Number 11-05-CBP-0120

(b)(6)

Summary of new complaint for your review:

On February 15, 2011, CRCL received an email referral from DHHS in regards to the unaccompanied minor, (b)(6) (b)(6) alleging that on January 13, 2011, (b)(6) reported to clinician (b)(6) (b)(6) that an immigration officer kicked her in her lower back when she was apprehended. Allegedly, the officer instructed her to remove her shoelaces so that she could not run away; then, the officer proceeded to kick the client in her lower back when the client did not remove her shoelaces quickly. (b)(6) stated that she felt sore for one day after she was kicked, though she denied any bruising.

Thank you.

(b)(6)  
Program Analyst  
Compliance Branch  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(b)(6) phone)  
(b)(6) [hs.gov]





OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
COMPLAINT WITHOUT RECOMMENDATIONS  
CLOSURE MEMORANDUM

To: Dana Salvano-Dunn  
From: (b)(6)  
Date: March 21, 2013  
Complaint Number: 11-05-CBP-0120  
Complainant Name (Alien Number): (b)(6)

**Reason(s) for Closure without Recommendations (check all that apply):**

- |   |   |
|---|---|
| <input type="checkbox"/> Insufficient information to investigate  | <input type="checkbox"/> Allegation(s) substantiated but does not warrant recommendations       |
| <input type="checkbox"/> Withdrawal of complaint  | <input type="checkbox"/> No finding of detention standards violations                           |
| <input type="checkbox"/> Lack of jurisdiction   | <input type="checkbox"/> No finding of policy or procedure violations                           |
| <input type="checkbox"/> Allegation(s) untimely/overtaken by events   | <input type="checkbox"/> Complaint added to information layer and closed (linked)               |
| <input type="checkbox"/> Component and/or facility has already corrected the problem  | <input type="checkbox"/> Complaint being handled as part of another related complaint (related) |
| <input checked="" type="checkbox"/> Allegation(s) against component, individual, and/or facility unfounded or unsubstantiated | <input type="checkbox"/> Other (provide details):   |

**Complaint Synopsis and Explanation of Closing Rationale:**

On February 14, 2011, CRCL received via e-mail a January 13, 2011, Significant Incident Report (SIR) from HHS/ORR on behalf of 15-year-old Unaccompanied Alien Child (UAC)

(b)(6)

The SIR alleged that during (b)(6) apprehension by U.S. Border Patrol on December 25, 2010, an unnamed Border Patrol agent (BPA) kicked (b)(6) in her lower back when she did not remove her shoelaces quickly enough.

CRCL initiated a short form inquiry in this matter to U.S. Customs and Border Protection (CBP). On August 30, 2012, CBP provided CRCL with a May 15, 2012, Management Referral report in response to CRCL's inquiry. The Management Referral concluded that none of the BPAs who were involved in (b)(6) apprehension could recall her case due to the length of time that had passed between the alleged incident and the date of the inquiry. No CBP records or other reports were found in relation to the UAC's claim. Further, CBP was unable to locate (b)(6) for interview.

In conclusion, based on the Management Referral report, CRCL cannot substantiate the allegation in the SIR. I recommend that we close this complaint without further action.

**Suggested Closure Method(s) (check all that apply):**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Close letter to complainant | <input type="checkbox"/> Close email/memo to component      |
| <input type="checkbox"/> Phone call                             | <input type="checkbox"/> High level component communication |

*Protected by the Deliberative Process Privilege*



- ☐ No notification necessary  
☐ Other (*provide details*):

☐ Close Memo (**No contact information**)<sup>1</sup>

**Comments (*optional*):**

***For Completion by Reviewer:***

**Closure Recommendation Accepted**

A handwritten signature in dark ink, appearing to be "Dan S. Lee", is written over a horizontal line.

**Closure Recommendation Not Accepted**

\_\_\_\_\_

**Further Action Required:**

\_\_\_\_\_

---

*Protected by the Deliberative Process Privilege*



Homeland  
Security

March 21, 2013

(b)(6)

Acting Director, Division of Unaccompanied Children's Services  
Office of Refugee Resettlement  
Administration for Children and Families  
U.S. Department of Health and Human Services  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

Re: Complaint No. 11-05-CBP-0120

(b)(6)

Dear (b)(6)

On February 14, 2011, CRCL received via e-mail a January 13, 2011, Significant Incident Report (SIR) from HHS/ORR on behalf of 15-year-old Unaccompanied Alien Child (UAC)

(b)(6)

The SIR alleged that during (b)(6) apprehension by U.S. Border Patrol on December 25, 2010, an unnamed Border Patrol agent (BPA) kicked (b)(6) in her lower back when she did not remove her shoelaces quickly enough.

Following receipt of the complaint, CRCL initiated an inquiry into this matter with U.S. Customs and Border Protection (CBP). CBP provided CRCL with a Management Referral report in response to CRCL's inquiry. In their review of the matter, CBP interviewed relevant officers and documentation, and also attempted to interview (b)(6) who could not be reached. Based upon the information contained in the report, CRCL found no evidence to substantiate the SIR allegation of mistreatment.

As a result of the Management Referral report, CRCL cannot substantiate the allegation in the SIR and we are closing this complaint.

We appreciate you bringing this matter to our attention. If in the future you have concerns relating to civil rights and civil liberties violations by DHS, please contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at [crcl@dhs.gov](mailto:crcl@dhs.gov)

Sincerely,

A handwritten signature in black ink, appearing to read "Dana Salvano-Dunn".

Dana Salvano-Dunn  
Deputy Director for Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

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**Dent, Martina**

---

**From:** (b)(6) [redacted] dhs.gov]  
**Sent:** Friday, March 11, 2011 7:14 AM  
**To:** (b)(6) [redacted]  
**Cc:** [redacted]  
**Subject:** RE: CRCL Complaint Number 11-05-CBP-0121

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

**From:** (b)(6) [redacted] dhs.gov]  
**Sent:** Wednesday, March 09, 2011 12:30 PM  
**To:** (b)(6) [redacted]  
**Cc:** [redacted]  
**Subject:** CRCL Complaint Number 11-05-CBP-0121

(b)(6) [redacted]

Summary of new complaint for your review:

On February 15, 2011, CRCL received an email referral from DHHS in regards to the unaccompanied minor, (b)(6) [redacted] on January 25, 2011, (b)(6) [redacted] reported to clinician's assistant, (b)(6) [redacted] that upon apprehension in Douglas, AZ, on November 15, 2010, three border patrol officials aggressively yelled at and struck the client on the back with their hands and left bruises.

Thank you.

(b)(6) [redacted]

Program Analyst  
Compliance Branch  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6) [redacted] (phone)



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(b)(6)

**From:** (b)(6) [dhs.gov]  
**Sent:** Monday, March 28, 2011 10:40 AM  
**To:** (b)(6)  
**Cc:**  
**Subject:** RE: CRCL Complaint Number 11-05-CBP-0144

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

**From:** (b)(6) [dhs.gov]  
**Sent:** Friday, March 25, 2011 6:25 PM  
**To:** (b)(6)  
**Cc:**  
**Subject:** CRCL Complaint Number 11-05-CBP-0144

(b)(6)

Summary of new complaint for your review:

On February 23, 2011, CRCL received email correspondence from (b)(6) of No More Deaths, on behalf of (b)(6) and 2 others held together at the Tucson Border Patrol facility, alleging that they witnessed a woman in their cell that was coughing badly until she threw up, and the officers refused to do anything and stated, "Que se muera!" (let her die). The women state that they later found out that the woman has asthma and her inhaler was confiscated and the officers refused to give it to her.

In addition, allegedly, the 8 women in (b)(6) cell in 24 hours only received 3 burritos to share, which an agent threw on the ground, and refused to provide them more food. (b)(6) also states that she witnessed a man being thrown against the wall by an agent, which resulted in the man's face hitting the wall and losing a tooth, which the supervisor ignored.

Thank you.



(b)(6)

Program Analyst  
Compliance Branch  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6) phone)

(b)(6) [dhs.gov](http://dhs.gov)

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From: (b)(6)  
To:  
Subject: Password  
Date: Tuesday, October 16, 2012 12:16:06 PM

---

Password: (b)(7)(E)

(b)(6) Supervisory Special Agent  
CBP Internal Affairs  
Investigative Operations Division  
(b)(6)

---

From: (b)(6)  
Sent: Tuesday, October 16, 2012 11:25 AM  
To: (b)(6)  
Subject: Complaint Follow-up

Hello (b)(6)

I would appreciate if you and your staff could give me an update on the status of the complaints attached to this email. Let me know if you need additional information. Have a great day.

(b)(6)  
Program Analyst  
Department of Homeland Security  
(b)(6)



(b)(6)

**From:** (b)(6) [hs.gov]  
**Sent:** Wednesday, April 06, 2011 7:53 AM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: CRCL Complaint 11-06-CBP-0172

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

**From:** (b)(6) [hs.gov]  
**Sent:** Monday, April 04, 2011 3:02 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** CRCL Complaint 11-06-CBP-0172

(b)(6)

Summary of a new complaint for your review:

#### UNACCOMPANIED MINOR

On March 29, 2011, CRCL received correspondence from (b)(6) of The Refugee and Immigrant Center, San Antonio Texas on behalf of (b)(6) a 14 year old minor and native and citizen of Mexico who is an ICE detainee at the BCFS, San Antonio Texas. In an attached affidavit (b)(6) alleges that he was physically assaulted by a Border Patrol Officer on February 13, 2011 after he crossed the border near Eagle Pass, Texas.

Thank you

(b)(6)

Office for Civil Rights & Civil Liberties

Department of Homeland Security

(b)(6)

(phone)

[dhs.gov](https://www.dhs.gov)

From: (b)(6)  
To: (b)(6)  
Cc: (b)(6)  
Subject: RE: CRCL Complaint 11-06-CBP-0174  
Date: Tuesday, April 05, 2011 11:21:05 AM

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*Office of Inspector General*

**U.S. Department of Homeland Security**



The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@hs.gov]  
Sent: Monday, April 04, 2011 3:39 PM  
To: (b)(6)  
Cc: (b)(6)  
Subject: CRCL Complaint 11-06-CBP-0174

(b)(6)

Summary of a new complaint for your review:

#### UNACCOMPANIED MINOR

On March 21 2011, CRCL received correspondence from (b)(6) of the Florence Immigrant and Refugee Rights Project, Phoenix, AZ on behalf of (b)(6) a 16 year old minor and native and citizen of Guatemala who is in detention at the Southwest Key Program, Phoenix, AZ. In an attached 'Affidavit of Abuse', dated 3/16/2011, (b)(6) alleges that on or around January 26 2011, at approximately 3:30 am, he crossed the US-Mexico border near Altar Sonora and was apprehended in the desert near a highway checkpoint by two law enforcement agents. (b)(6) alleges that he was physically assaulted by one of the law enforcement agents (described as around thirty-five or forty years old, tall, white and had a beard) who stomped on (b)(6) while he was being detained.

Thank you

(b)(6)

Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6) (phone)  
[hhs.gov](#)



From: (b)(6)  
To: (b)(6)  
Cc: (b)(6)  
Subject: RE: CRCL Complaint Number 11-06-ICE-0134  
Date: Friday, March 25, 2011 12:39:22 PM

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*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) [redacted] dhs.gov]  
Sent: Friday, March 25, 2011 12:11 PM  
To: (b)(6) [redacted]  
Cc: (b)(6) [redacted]  
Subject: CRCL Complaint Number 11-06-ICE-0134

(b)(6) [redacted]

Summary of new complaint for your review:

MATTER INVOLVES AN UNACCOMPANIED MINOR. On March 14, 2011, CRCL received a referral from HHS/ORR, (b)(6) [redacted] in regards to (b)(6) [redacted] an unaccompanied minor who reported to (b)(6) [redacted] that an immigration officer after frisking him, threw him on the ground and put his foot in his face and broke his nose; however, initially he had reported he fell face-down and broke his nose when being chased by Immigration Officers after jumping the wall.

Thank you.

(b)(6) [redacted]

Program Analyst  
Compliance Branch  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6)

phone)

[dhs.gov](https://dhs.gov)



**Homeland  
Security**

June 20, 2011

MEMORANDUM FOR:


(b)(6)

Joint Intake Center  
U.S. Customs and Border Protection

(b) (6)

Chief Counsel  
U.S. Customs and Border Protection

FROM:

Jeffrey S. Blumberg   
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties

(b) (6)

Attorney Advisor  
Office of General Counsel

SUBJECT:

Complaint No. 11-06-ICE-0134

(b)(6)

The Office for Civil Rights and Civil Liberties (CRCL) has received a complaint alleging that U.S. Customs and Border Protection has violated an individual's civil rights or civil liberties. The purpose of this memorandum is to notify you of the complaint and to inform you that we are referring this complaint to CBP for investigation. We request that the appropriate office within your component complete an inquiry into the enclosed complaint within 180 days of the date of this referral. Please see the attached Referred Complaint Assistance Form for guidance regarding this inquiry.

*CRCL authorities.* Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials of abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion. The procedures for our investigations and the recommendations they may engender are outlined in Department of Homeland

***Protected by Attorney-Client and Deliberative Process Privileges  
Law Enforcement Sensitive***



Security (DHS) Management Directive 3500. We have received information concerning the above listed complaints that may fall under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1.

*Access to information.* More particularly, 42 U.S.C. § 2000ee-1(d) grants CRCL access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to:

- “Notify[] the relevant DHS component(s) involved of the matter and its acceptance by CRCL, and whether the matter will be handled by CRCL or by the component organization”;
- “Interview[] persons and obtain[] other information deemed by CRCL to be relevant and require[e] cooperation by all agency employees”; and
- “Access[] documents and files that may have information deemed by CRCL to be relevant.”

*Reprisals forbidden.* In addition, 42 U.S.C. § 2000ee-1(e) forbids any Federal employee to subject a complainant or witness to any “action constituting a reprisal, or threat of reprisal, for making a complaint or for disclosing information to” CRCL in the course of this investigation.

This memorandum and the Referred Complaint Assistance Form are pursuant to these authorities.

*Privilege and required transparency.* Our communications with CBP personnel and documents generated during this review, particularly the final report, will be protected to the maximum extent possible by attorney-client and deliberative process privileges. Under 6 U.S.C. § 345(b), however, we submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.”

When the inquiry is complete, please contact CRCL with your component’s findings and recommendations. CRCL will review the matter in accordance with our mission to assist DHS to secure the Nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with your staff on this matter, will notify you when we have closed this complaint, and will provide you with any recommendations resulting from this complaint.

If you have any questions concerning this referral, please do not hesitate to contact my colleague, (b)(6) by phone at (b)(6), or by email at (b)(6) [hs.gov](mailto:(b)(6)@hs.gov).

Copies to:

- Franklin Jones  
Executive Director, Office of Diversity and Civil Rights  
U.S. Customs and Border Protection  
(b)(6) [dhs.gov](mailto:(b)(6)@dhs.gov).

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Law Enforcement Sensitive*

2



(b) (6)

Chief of Staff, Office of Border Patrol  
U.S. Customs and Border Protection

(b)(6) [hs.gov](#)

(b) (6)

Assistant Chief, Office of Internal Affairs/IOD  
Office of Border Patrol  
U.S. Customs and Border Protection

(b)(6) [hs.gov](#)

Enclosures

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(b)(5)

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From: (b)(6)  
To:  
Cc:  
Subject: RE: CRCL Complaint # 11-07-CBP-0216  
Date: Tuesday, May 03, 2011 2:38:29 PM

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*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6)@hs.gov]  
Sent: Tuesday, May 03, 2011 10:52 AM  
To: (b)(6)  
Cc:  
Subject: CRCL Complaint # 11-07-CBP-0216

(b)(6)

Summary of a new complaint for your review:

UNACCOMPANIED MINOR

On April 4 2011, CRCL received a facsimile from (b)(6) Forence Immigrant and Refugee Rights Project on behalf of (b)(6) an ICE detainee at SWKGDZ O SOUTHWEST KEY-GLENDALE . In an affidavit of Abuse dated March 3 28 2011 (b)(6) alleges that on or around January 21 2011, he crossed the border between Mexico and Arizona with a group of approximately thirty people and a guide and was physically beaten by a CBP agent

Thank you

(b)(6)

Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6) (phone)  
[hs.gov](mailto:(b)(6)@hs.gov)



From: (b)(6)  
To: (b)(6)  
Cc: (b)(6)  
Subject: RE: CRCL Complaint Number 11-08-CBP-0237  
Date: Thursday, June 09, 2011 2:34:09 PM

*Office of Inspector General*

U.S. Department of Homeland Security



Homeland  
Security

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

From: (b)(6) [dhs.gov]  
Sent: Wednesday, June 08, 2011 6:13 PM  
To: (b)(6)  
Cc: (b)(6)  
Subject: CRCL Complaint Number 11-08-CBP-0237

(b)(6)

Summary of new complaint for your review:

MATTER INVOLVES AN UNACCOMPANIED MINOR. On May 27, 2011, CRCL received a referral from HHS/ORR, (b)(6) in regards to (b)(6) an unaccompanied minor who reported on May 26, 2011 at Tumbleweed Willetta Shelter to Clinician (b)(6) that while he was in Border Patrol custody in Tucson, Arizona from April 23-25, 2011, he was obliged 24 hours a day to listen to songs in Spanish regarding illegal immigration, abuse, rape and death. He also reported that agents "in green uniforms" set up a TV that projected images that corresponded with the music (i.e. immigrants, coyotes, Border Patrol, desert crossings, and injured people).

Client endorsed feeling anxious while in jail, stating that he was unable to sleep due to the constant music that made him feel "triste" and "desesperado",

MATTER INVOLVES AN UNACCOMPANIED MINOR. On May 27, 2011, CRCL received a referral from HHS/ORR, (b)(6) in regards to (b)(6) an unaccompanied minor who reported on May 24, 2011 at Tumbleweed Willetta Shelter to Clinician (b)(6) that while he was in Border Patrol custody in Tucson, Arizona from April 23-25, 2011,

he was obliged 24 hours a day to listen to a song regarding illegal immigration, abuse, rape and death. He also reported that agents "in green uniforms" set up a screen that projected rotating pictures 24 hours a day of immigrants crossing the border, dead bodies in the desert, and other images the client described as disturbing.

He endorsed feeling anxious talking about the incident, stating he felt "triste" and "desesperado" to hear the same song and view the same disturbing images repeatedly while in jail.

Thank you.

---

(b)(6)

Program Analyst  
Compliance Branch  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6)

phone)  
[dhs.gov](http://dhs.gov)



4 page draft document

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**Homeland  
Security**

September 5, 2013

(b)(6)

Director, Division of Unaccompanied Children's Services  
Office of Refugee Resettlement  
Administration for Children and Families  
U.S. Department of Health and Human Services  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

Re: Complaint No. 11-08-CBP-0252

(b)(6)

Dear (b)(6)

This letter is a follow-up in response to Significant Incident Reports (SIRs) the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received from HHS/ORR on May 27, 2011 on behalf of 16 year old Unaccompanied Alien Child (UAC) (b)(6) and 17 year old UAC (b)(6). We apologize for our delayed response.

The SIRs alleged that while in U.S. Border Patrol (USBP) custody at the Tucson Sector Coordination Center, both (b)(6) were forced to listen to songs in Spanish 24 hours per day that pertained to illegal immigration, abuse, rape, and death. The SIRs also alleged that agents in green uniforms set up a TV that projected a video that corresponded with the music. Both (b)(6) complained that the video made them feel sad, and that they were unable to sleep during their two days in USBP custody due to the constant music. CRCL combined the two SIRs into one complaint.

Pursuant to 6 U.S.C. 345 and 42 U.S.C. 2000ee-1, CRCL worked with CBP to investigate the allegations in the SIRs, which included a review of the video referenced in the SIRs. The video was created in a collaborative effort among USBP and several consulate officials, and is primarily a narration that details the illegal border crossing process, from crossing to apprehension, and processing by USBP. The video also contains vignettes that warn of the dangers of illegal border crossing, some content of which was produced and supplied by the Mexican Consulate. Additionally, the video contains information reminding detainees of their right to contact a consular official.

According to USBP, it is played 24 hours per day because of the transitory nature and large number of aliens entering and exiting the USBP station throughout the daylight as well as

nighttime hours. The volume is adjusted to be audible over the facility's noise level. After review of the video, this Office has determined that we will not make civil rights policy recommendations based on this complaint and it will now be closed. However, we will ask the Tucson Sector to consider lowering the volume of the video if complaints arise in the future.

We appreciate you bringing this matter to our attention. If in the future you have concerns relating to civil rights and civil liberties violations by DHS, please contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at [crcl@dhs.gov](mailto:crcl@dhs.gov)

Sincerely,



Jeffrey S. Blumberg  
Director for Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

From: (b)(6)  
To: (b)(6)  
Cc: (b)(6)  
Subject: RE: CRCL Complaint Number 11-09-CBP-0262 (Additional info request)  
Date: Thursday, July 21, 2011 10:11:13 AM

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*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

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From: (b)(6) [dhs.gov]  
Sent: Monday, July 11, 2011 4:38 PM  
To: (b)(6)  
Cc: (b)(6)  
Subject: RE: CRCL Complaint Number 11-09-CBP-0262 (Additional info request)

Hello,

The complaint that CRCL received did not specify the incident location. Nevertheless, CRCL has determined that the incident location is Border Patrol's Laredo (Texas) Sector.

Thank you

(b)(6)  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6)  
(b)(6) [dhs.gov](mailto:(b)(6)@dhs.gov)

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From: (b)(6) [dhs.gov]  
Sent: Monday, July 11, 2011 3:19 PM  
To: (b)(6)  
Cc: (b)(6)  
Subject: RE: CRCL Complaint Number 11-09-CBP-0262 (Additional info request)



(b)(6)

In what city and state was the unaccompanied minor run over by the CBP vehicle?

Thanks,

(b)(6)

Investigator  
Department of Homeland Security  
Office of Inspector General  
Office of Investigations

(b)(6)

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From: (b)(6) dhs.gov]  
Sent: Thursday, July 07, 2011 7:24 PM  
To: (b)(6)  
Cc: (b)(6)  
Subject: CRCL Complaint Number 11-09-CBP-0262

(b)(6)

Summary of new complaint for your review:

MATTER INVOLVES AN UNACCOMPANIED MINOR. On June 24, 2011, CRCL received email referral from (b)(6) of US Department of Health and Human Services in regards to allegations that Unaccompanied Minor (b)(6) was run over by a CBP truck. The SIR states that her leg experienced crushing damage resulting in significant trauma. The SIR states that (b)(6) alleged that CBP did not take proper care of her injury did not medically screen or treat her injury. According to the medical report provided by HHS, (b)(6) had crush injury, contusions and was prescribed narcotic medication.

On June 21, 2011, (b)(6) was brought to Southwest Key - Casa Blanca for placement and already diagnosed with a broken right leg. On June 22, 2011, (b)(6) was taken to the Dr. Frank Bryant Health Center for the mandatory initial intake health screening. Primary physician, (b)(6) recommended that (b)(6) be taken to the emergency room due to the amount of swelling to her right leg. After the MRI and MRA were conducted emergency room attending physician Dr. (b)(6) diagnosed (b)(6) with a crush injury and contusion to lower right extremity.

Thank you.

(b)(6)

Program Analyst  
Compliance Branch  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security  
(b)(6) phone)  
dhs.gov



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of the Freedom of Information and Privacy Act

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of the Freedom of Information and Privacy Act



From: (b)(6)  
To: (b)(6)  
Cc: (b)(6)  
Subject: RE: CRCL Complaint Number 11-10-CBP-0280  
Date: Thursday, August 25, 2011 10:02:23 AM

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*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

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From: (b)(6) [dhs.gov]  
Sent: Friday, August 19, 2011 10:37 AM  
To: (b)(6)  
Cc: (b)(6)  
Subject: CRCL Complaint Number 11-10-CBP-0280

(b)(6)

Summary of new complaint for your review:

On July 20, 2011, CRCL received an email referral from HHS/ORR, (b)(6), in regards to (b)(6) an unaccompanied minor who reported on July 15, 2011 at BCFS Harlingen to Clinician Cassandra Flores that after crossing into the United States he was apprehended by Border Patrol agents at about 6:00a.m. While he was kneeling on the ground handcuffed, one of the agents stuck a metal baton in between his arm and the hand cuff and then pulled out forcefully, leaving his arm injured.

UAC reported that the agent also physically injured others. UAC cannot recall many specifics about the agent.

Thank you.

-----  
(b)(6)

Program Analyst  
Compliance Branch

Office for Civil Rights & Civil Liberties  
Department of Homeland Security

From: (b)(6)  
To: (b)(6)  
Cc: (b)(6)  
Subject: RE: CRCL Complaint Number 11-11-CBP-0277  
Date: Tuesday, August 16, 2011 10:54:08 AM

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*Office of Inspector General*

U.S. Department of Homeland Security



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

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From: (b)(6) [hs.gov]  
Sent: Thursday, August 11, 2011 3:01 PM  
To: (b)(6)  
Cc: (b)(6)  
Subject: CRCL Complaint Number 11-11-CBP-0277

(b)(6)

Summary of new complaint for your review:

On August 9, 2011, CRCL received Congressional correspondence that was faxed on August 8, 2011 to S1 from U.S. Representatives (b) (6) on behalf of (b)(6) via Exec SEC Workflow # 918207. Allegedly on May 30, 2011, (b)(6), a high school senior at Hot Springs High School in New Mexico and resident in the US since the age of 5 years old, was approached by CBP in the evening while sitting with a friend in a legally parked vehicle, then questioned, subsequently detained and removed that same evening to Ciudad Juarez, Mexico. Alleged (b)(6) was forced to sign removal papers under duress and was denied an opportunity to speak with an attorney.

Thank you.

(b)(6)

Program Analyst  
Compliance Branch  
Office for Civil Rights & Civil Liberties





From: (b)(6)  
To: (b)(6)  
Cc: (b)(6)  
Subject: RE: CRCL Complaint Number 11-11-CBP-0295  
Date: Monday, September 19, 2011 10:57:31 AM

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*Office of Inspector General*

U.S. Department of Homeland Security



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

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From: (b)(6) [dhs.gov]  
Sent: Thursday, September 08, 2011 2:14 PM  
To: (b)(6)  
Cc: (b)(6)  
Subject: CRCL Complaint Number 11-11-CBP-0295

(b)(6)

Summary of new complaint for your review:

On August 28, 2011, CRCL received a referral from HHS/ORR, (b)(6) in regards to (b)(6) an unaccompanied minor who reported on August 22, 2011 at Southwest Key Campbell to Clinician (b)(6) that CBP agent sexually harassed her during her apprehension in the Phoenix, Arizona desert. The immigration officer allegedly, grabbed her buttocks, when no other officers were around, then she screamed and another officer approached the area with a upset facial expression.

Thank you.

(b)(6)

Program Analyst  
Compliance Branch  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security



Homeland  
Security

February 6, 2013

(b)(6)

Acting Director, Division of Unaccompanied Children's Services  
Office of Refugee Resettlement  
Administration for Children and Families  
U.S. Department of Health and Human Services  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

Re: Complaint No. 11-11-CBP-0295

(b)(6)

Dear

(b)(6)

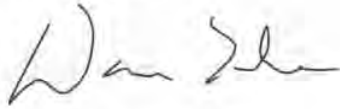
On August 28, 2011, CRCL received via e-mail an August 22, 2011, Significant Incident Report (SIR) from HHS/ORR on behalf of Unaccompanied Alien Child (UAC) (b)(6). The SIR alleges that during (b)(6) apprehension by U.S. Customs and Border Protection (CBP), a Border Patrol agent grabbed her buttocks, causing her to scream and attract the attention of another Border Patrol agent who, (b)(6) alleged, was upset with the first Border Patrol agent's actions towards her.

On May 15, 2012, CRCL referred the complaint to U.S. Customs and Border Protection Internal Affairs (CBP-IA) for investigation. On December 17, 2012, CBP-IA provided this Office with its December 3, 2012 Report of Investigation (ROI), and the exhibits to the ROI were subsequently provided to this office on January 11, 2013. Although CBP-IA interviewed the Border Patrol agent listed on the UAC's I-213, they were unable to verify that he was in fact the apprehending agent. Despite all efforts, CBP-IA was unable to verify the identity of the apprehending Border Patrol agent. Additionally, on two occasions, CBP-IA investigators attempted to interview (b)(6) regarding her allegations, but the telephone number she reported did not work and no other contact information was provided.

Based on CBP-IA's investigation and the investigator's inability to interview the UAC, CRCL is unable to come to a finding regarding the allegation in the SIR. Consequently, we are closing this matter at this time. However, CRCL is working with CBP to ensure that I-213s accurately reflect the identities of the apprehending and processing agents.

We appreciate you bringing this matter to our attention. If in the future you have concerns relating to civil rights and civil liberties violations by DHS, please contact this Office by phone at 866-644-8360, 866-644-8361 (TTY), or by email at [crcl@dhs.gov](mailto:crcl@dhs.gov)

Sincerely,

A handwritten signature in black ink, appearing to read "Dana Salvano-Dunn". The signature is fluid and cursive, with the first name "Dana" being more prominent than the last name.

Dana Salvano-Dunn  
Deputy Director for Compliance  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security





OFFICE FOR CIVIL RIGHTS & CIVIL LIBERTIES (CRCL)  
COMPLAINT WITHOUT RECOMMENDATIONS  
CLOSURE MEMORANDUM

To: Dana Salvano-Dunn  
From: (b)(6)  
Date: February 5, 2013  
Complaint Number: 11-11-CBP-0295  
Complainant Name (Alien Number): (b)(6)

**Reason(s) for Closure without Recommendations (check all that apply):**

<input type="checkbox"/> Insufficient information to investigate <input type="checkbox"/> Withdrawal of complaint <input type="checkbox"/> Lack of jurisdiction <input type="checkbox"/> Allegation(s) untimely/overtaken by events <input type="checkbox"/> Component and/or facility has already corrected the problem <input checked="" type="checkbox"/> Allegation(s) against component, individual, and/or facility unfounded or unsubstantiated	<input type="checkbox"/> Allegation(s) substantiated but does not warrant recommendations <input type="checkbox"/> No finding of detention standards violations <input type="checkbox"/> No finding of policy or procedure violations <input type="checkbox"/> Complaint added to information layer and closed (linked) <input type="checkbox"/> Complaint being handled as part of another related complaint (related) <input type="checkbox"/> Other (provide details):
---	--

**Complaint Synopsis and Explanation of Closing Rationale:**

On August 28, 2011, CRCL received via e-mail an August 22, 2011 Significant Incident Report (SIR) from HHS/ORR on behalf of Unaccompanied Alien Child (UAC) (b)(6). The SIR alleges that during her apprehension by U.S. Customs and Border Protection (CBP), a Border Patrol agent grabbed her buttocks, causing (b)(6) to scream and attract the attention of another Border Patrol agent who, (b)(6) alleged, was upset with the first Border Patrol agent's actions towards her.

On May 15, 2012, CRCL referred the complaint to U.S. Customs and Border Protection (CBP) Internal Affairs (CBP-IA) for investigation. On December 17, 2012, CBP-IA provided this Office with its December 3, 2012 Report of Investigation (ROI), and the exhibits to the ROI were subsequently provided to this office on January 11, 2013.

In connection with their investigation into this allegation, CBP-IA interviewed the Border Patrol agent who was listed on the I-213 as the agent who apprehended (b)(6). This Border Patrol agent did not recognize a picture of (b)(6) and stated that he did not recall apprehending her. He speculated that a Border Patrol agent detailed to his area of responsibility (AOR) may have apprehended (b)(6), and that detailed agent may have input into the I-213 the star number of an agent permanently assigned to that AOR because detailed agents' star numbers do not always populate in the Border Patrol booking system. As a result, the permanently-assigned agent would have been incorrectly listed as the apprehending agent on the I-213. He denied inappropriately touching (b)(6) and stated that he did not receive any complaints of injuries from any undocumented aliens.



On August 15, 2012, CBP-IA twice attempted to contact (b)(6) at the telephone number she provided. That number was a fax machine, and therefore CBP-IA was unable to interview the UAC regarding her allegations.

On January 25, 2013, CRCL asked CBP-IA to check other records to attempt to identify the apprehending Border Patrol agent. On January 29, 2013, CBP-IA responded to CRCL that they had inquired with the SAIC in Tucson, who responded that there are no other records that are available to be checked. Accordingly, the identity of the apprehending agent cannot be verified. Without knowing the apprehending agent's identity, the allegation cannot be substantiated.

On January 29, 2013, (b)(6) Border Patrol Headquarters' Assistant Chief of Policy, informed this Office that Border Patrol's Hold Room Policy will be modified so that the exact identities of the apprehending Border Patrol agent and processing agent must be entered into the I-213. This change should prevent further occurrences of instances where it is not possible to identify the apprehending Border Patrol agent.

As a result of the Border Patrol agent's testimony, and because of CBP-IA's inability to identify the apprehending Border Patrol agent and interview the UAC, CRCL cannot substantiate the allegation in the SIR. However, CRCL believes that Border Patrol's soon-to-be revised Hold Room Policy should resolve this type of concern going forward.

I recommend that we close this complaint without further action.

**Suggested Closure Method(s) (check all that apply):**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Close letter to complainant | <input type="checkbox"/> Close email/memo to component                             |
| <input type="checkbox"/> Phone call                             | <input type="checkbox"/> High level component communication                        |
| <input type="checkbox"/> No notification necessary              | <input type="checkbox"/> Close Memo ( <b>No contact information</b> ) <sup>1</sup> |
| <input type="checkbox"/> Other (provide details):               |  |

**Comments (optional):**

**For Completion by Reviewer:**

**Closure Recommendation Accepted** Wan Sh

**Closure Recommendation Not Accepted** \_\_\_\_\_

**Further Action Required:** \_\_\_\_\_

*Protected by the Deliberative Process Privilege*

From: (b)(6)  
To: (b)(6)  
Cc: (b)(6)  
Subject: RE: CRCL Complaint Number 11-12-CBP-0323  
Date: Wednesday, October 19, 2011 7:25:30 AM

---

*Office of Inspector General*

**U.S. Department of Homeland Security**



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

---

From: (b)(6) [hs.gov]  
Sent: Tuesday, October 18, 2011 9:39 AM  
To: (b)(6)  
Cc: (b)(6)  
Subject: CRCL Complaint Number 11-12-CBP-0323

(b)(6)

Summary of new complaint for your review:

On September 12, 2011, CRCL received a referral from HHS ORR in regards to unaccompanied minor, (b)(6) who on August 23, 2011 disclosed to clinician (b)(6) that one of the two immigration officers who assisted in transporting the him from Texas to Phoenix, befriended him on Facebook. He stated that he witnessed the officer request him as a friend on Facebook and that the officer allowed him to use his phone so he could accept the friend request. In addition, he reported that he is not aware of the officer's name and stated that he could not confirm remembering what the officer looked like.

Thank you.

(b)(6)

Program Analyst  
Compliance Branch  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security





From: (b)(6)  
To: (b)(6)  
Cc: (b)(6)  
Subject: FW: CRCL Short Form Complaint Notification 14-09-CBP-0340  
Date: Thursday, November 06, 2014 7:13:15 AM  
Attachments: [CRCL 14-09-CBP-0340 ROIs 1-3.pdf](#)

---

(b)(6)

Attached are the ROIs associated with 14-09-CBP-0340.

---

From: (b)(6)  
Sent: Tuesday, October 28, 2014 5:48 PM  
To: JOINT INTAKE  
Cc: (b)(6)  
(b)(6)  
Subject: CRCL Short Form Complaint Notification 14-09-CBP-0340

Dear Colleagues,

The DHS Office for Civil Rights and Civil Liberties is initially handling the below matter as a Short Form Complaint.

**CRCL Short Form Complaint: 14-09-CBP-0340**

(b)(6)

On June 12, 2014, CRCL received an email referral from the Department of Health and Human Services, Office of Refugee and Resettlement (HHS ORR) on behalf of unaccompanied child (UAC) (b)(6) age 15. The UAC alleges that around May 26, 2014 during her 7 days in Border Patrol custody at the Weslaco Station in Texas (Rio Grande Valley Sector), she witnessed a male Border Patrol Agent sexually abuse another female detainee by placing his hand in between her pants and stomach, and then stating inappropriate comments about her physical appearance. In addition, a few days later the same male agent touched her thigh in an inappropriate manner.

Note: JIC Number 201409342

Please review the circumstances of this incident as it pertains to the allegations and provide CRCL with the following information:

(b)(5)

Please provide your response to me at (b)(6) [hq.dhs.gov](http://hq.dhs.gov) in 180 days. Thank you for your assistance with this request.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL is charged with investigating and assessing complaints against DHS employees and officials for abuses of civil rights, civil liberties, and profiling on the basis of race,



ethnicity, or religion. The procedures for our investigations and the recommendations they may generate are outlined in DHS Management Directive 3500. More particularly, 42 U.S.C. § 2000ee-1(d) grants this Office access to the “information, material, and resources necessary to fulfill the functions” of the office, including the complaint investigation function; Management Directive 3500 further authorizes CRCL to “[i]nterview[] persons and obtain[] other information deemed by CRCL to be relevant and require[] cooperation by all agency employees” and to “[a]ccess[] documents and files that may have information deemed by CRCL to be relevant.” All communications and information submitted to CRCL are protected to the maximum extent possible by the attorney-client and deliberative process privileges. However, CRCL is required, under 6 U.S.C. § 345(b), to submit an annual report to Congress—also posted on CRCL’s Web site—that is required to detail “any allegations of [civil rights] abuses . . . and any actions taken by the Department in response to such allegations.” Finally, 42 U.S.C. § 2000ee-1(e) prohibits reprisals or threats of reprisal by a federal employee for making complaints to CRCL or for disclosing information to CRCL in the course of its investigations. The request for information above is done in accordance with these authorities.

(b)(6)

Office for Civil Rights & Civil Liberties  
Department of Homeland Security

(b)(6)

(phone)


(bb)

[hq.dhs.gov](http://hq.dhs.gov)




**Homeland  
Security**

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 <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b> <b>Immigration and Customs Enforcement</b></p> <p align="center"><b>REPORT OF INVESTIGATION</b></p>		<b>1. CASE NUMBER</b> 201409342
		<b>PREPARED BY</b> (b)(6)
		<b>2. REPORT NUMBER</b> 001
<b>3. TITLE</b> EMPLOYEE, UNKNOWN/Unknown/0600 Detainee/Alien - Sexual Harassment (Staff-on-Detainee)/WESLACO, HIDALGO, TX		
<b>4. FINAL RESOLUTION</b>		
<b>5. STATUS</b> Initial Report	<b>6. TYPE OF REPORT</b> Allegation	<b>7. RELATED CASES</b>
<b>8. TOPIC</b> UAC alleged inappropriate touching and comments made by BPA while in CBP custody		
<b>9. SYNOPSIS</b> <p>On July 8, 2014, the Joint Intake Center (JIC), Washington, DC, received an email initially submitted by (b)(6) Case Manager, Lutheran Social Services of the South – Bokenkamp Children's Shelter, Corpus Christi, TX, regarding an allegation made on behalf of (b)(6) (b)(6) an unaccompanied alien child (UAC). UAC (b)(6) alleged during her seven (7) day stay with immigration in Weslaco, TX, she witnessed and also experienced an immigration officer conduct himself inappropriately towards her. Preliminary checks conducted by the JIC revealed that UAC (b)(6) was apprehended by Customs and Border Protection (CBP) Border Patrol Agents (BPAs) assigned to the U.S. Border Patrol's Rio Grande Valley, TX, Sector, on May 27, 2014.</p>		
<b>10. CASE OFFICER (Print Name &amp; Title)</b> (b)(6) JIC Supervisor	<b>11. COMPLETION DATE</b> 09-JUL-2014	<b>14. ORIGIN OFFICE</b> Joint Intake Center
<b>12. APPROVED BY(Print Name &amp; Title)</b> (b)(6) - JIC Supervisor	<b>13. APPROVED DATE</b> 09-JUL-2014	<b>15. TELEPHONE NUMBER</b> No Phone Number
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 <p style="text-align: center;"><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p style="text-align: center;"><b>REPORT OF INVESTIGATION CONTINUATION</b></p>	<b>1. CASE NUMBER</b>  201409342
	<b>PREPARED BY</b> (b)(6)
	<b>2. REPORT NUMBER</b>  001

**10. NARRATIVE**

DETAILS OF INVESTIGATION:

On July 8, 2014, the Joint Intake Center (JIC), Washington, DC, received an email initially submitted by (b)(6), Case Manager, Lutheran Social Services of the South – Bokenkamp Children's Shelter, Corpus Christi, TX, regarding an allegation made on behalf of (b)(6) an unaccompanied alien child (UAC). UAC (b)(6) alleged during her seven (7) day stay with immigration in Weslaco, TX, she witnessed and also experienced an immigration officer conduct himself inappropriately towards her. Preliminary checks conducted by the JIC revealed that UAC (b)(6) was apprehended by Customs and Border Protection (CBP) Border Patrol Agents (BPAs) assigned to the U.S. Border Patrol's Rio Grande Valley, TX, Sector, on May 27, 2014.

Following is a re-creation of the e-mail message submitted by Case Manager (b)(6). No changes have been made to grammar, punctuation, or spelling. Any changes in format are due to formatting limitations within the Joint Integrity Case Management System (JICMS).


<BEGIN>

SIR Bokenkamp Children's Shelter-Corpus Christi, Texas  
 SIR for UAC (b)(6)


Synopsis of Incident: : On 06/12/2014 during case management conference, UAC (b)(6) disclosed that during her 7 day stay with immigration, in Weslaco, Texas, she witnessed and also experienced an immigration officer conduct himself inappropriately towards her. UAC (b)(6) stated when she arrived she witnessed the immigration officer place his hand in between the pants and stomach of another female minor and was being verbally inappropriate making a comment about her physical appearance. UAC (b)(6) stated a few days later, the immigration officer touched her thigh in an inappropriate manner and with a forceful gesture she moved his hand away. UAC (b)(6) stated that she did not report this incident to any officials in the building. UAC (b)(6) could not recall any information regarding the officers physical appearance nor could she remember the time or day that these events occurred.


Staff Response and Intervention: Assigned case manager assured UAC (b)(6) of her safety at the facility and educated her on reporting all types of abuse or neglect.


Resolution and Follow-up: Assigned case manager referred UAC (b)(6) to her assigned clinician for in-house therapy. ORR and TDFPS were notified accordingly. TDFPS reference #:

<div data-bbox="121 241 284 399"></div> <div data-bbox="389 168 998 210"><b>DEPARTMENT OF HOMELAND SECURITY</b></div> <div data-bbox="479 388 909 472"><b>REPORT OF INVESTIGATION CONTINUATION</b></div>	<b>1. CASE NUMBER</b> 201409342
	<b>PREPARED BY</b> (b)(6)
	<b>2. REPORT NUMBER</b> 001
<b>10. NARRATIVE</b> 1383133  Recommendation: (b)(5) (b)(5)  Reported By: (b)(6)  <END>	




 <p><b>DEPARTMENT OF HOMELAND SECURITY</b></p> <p><b>REPORT OF INVESTIGATION</b> <b>Exhibit List</b></p>	<b>1. CASE NUMBER</b> 201409342
	<b>PREPARED BY</b> (b)(6)
	<b>2. REPORT NUMBER</b> 001
None	


 <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b> <b>Immigration and Customs Enforcement</b></p> <p align="center"><b>REPORT OF INVESTIGATION</b></p>		<b>1. CASE NUMBER</b> 201409342
		<b>PREPARED BY</b> (b)(6)
		<b>2. REPORT NUMBER</b> 002
<b>3. TITLE</b> EMPLOYEE, UNKNOWN/Unknown/0600 Detainee/Alien - Sexual Harassment (Staff-on-Detainee)/WESLACO, HIDALGO, TX		
<b>4. FINAL RESOLUTION</b>		
<b>5. STATUS</b> Interim Report	<b>6. TYPE OF REPORT</b> Investigative Findings	<b>7. RELATED CASES</b>
<b>8. TOPIC</b> (b)(6) conducted on (b)(6)		
<b>9. SYNOPSIS</b> <p>On July 8, 2014, the Joint Intake Center (JIC), Washington, DC, received an email initially submitted by (b)(6) Case Manager, Lutheran Social Services of the South-Bokenkamp Children's Shelter, Corpus Christi, TX, regarding an allegation made on behalf of (b)(6) (b)(6) an unaccompanied alien child (UAC). UAC (b)(6) alleged during her seven (7) day stay with immigration in Weslaco, TX, she witnessed and also experienced an immigration officer conduct himself inappropriately towards her. Preliminary checks conducted by the JIC revealed that UAC (b)(6) was apprehended by Customs and Border Protection (CBP) Border Patrol Agents (BPAs) assigned to the Border Patrol, Weslaco, (BP/Weslaco), on May 27, 2014.</p> <p>This report will document queries conducted on (b)(6)</p>		
<b>10. CASE OFFICER (Print Name &amp; Title)</b> (b)(6) - ICE-OPR Special Agent	<b>11. COMPLETION DATE</b> 21-JUL-2014	<b>14. ORIGIN OFFICE</b> ICE OPR RAC Harlingen 2
<b>12. APPROVED BY (Print Name &amp; Title)</b> (b)(6) ICE-OPR Special Agent Supervisor	<b>13. APPROVED DATE</b> 21-JUL-2014	<b>15. TELEPHONE NUMBER</b> No Phone Number
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<div data-bbox="121 241 284 409"></div> <div data-bbox="389 174 993 210"><b>DEPARTMENT OF HOMELAND SECURITY</b></div> <div data-bbox="479 401 902 472"><b>REPORT OF INVESTIGATION CONTINUATION</b></div>	<b>1. CASE NUMBER</b>  201409342
	<b>PREPARED BY</b>  (b)(6)
	<b>2. REPORT NUMBER</b>  002
<b>10. NARRATIVE</b>  DETAILS OF INVESTIGATION  On July 8, 2014, the JIC received an email initially submitted by (b)(6) regarding an allegation made on behalf of (b)(6) an UAC. UAC (b)(6) alleged during her seven (7) day stay with immigration in Weslaco, TX, she witnessed and also experienced an immigration officer conduct himself inappropriately towards her. Preliminary checks conducted by the JIC revealed that UAC (b)(6) was apprehended by BPAs assigned to the BP/Weslaco on May 27, 2014.  Queries in EARM database for (b)(6) revealed she is still in custody at the South-Bokenkamp Children's Shelter, Corpus Christi, TX. Further queries revealed (b)(6) was apprehended on May 26, 2014, by BPAs and transported to BP/Weslaco for processing.  Queries in the BPs E3 Detention Module revealed (b)(6) was in custody at BP/Weslaco from 5/26/2014 to 5/29/2014. On 5/29/2014, (b)(6) was transported to BP Fort Brown Station, Brownsville, TX, (BP/Fort Brown), where she stayed until 6/04/2014. On 6/04/2014, (b)(6) released from BP/Fort Brown and transported to South-Bokenkamp Children's Shelter. On 6/05/2014, (b)(6) was booked into the South-Bokenkamp Children's Shelter.  INVESTIGATION CONTINUES	



<div data-bbox="121 241 279 403"></div> <div data-bbox="384 172 997 210"><b>DEPARTMENT OF HOMELAND SECURITY</b></div> <div data-bbox="475 399 906 476"><b>REPORT OF INVESTIGATION Exhibit List</b></div>	<b>1. CASE NUMBER</b> 201409342
	<b>PREPARED BY</b> (b)(6)
	<b>2. REPORT NUMBER</b> 002
None	



 <p align="center"><b>DEPARTMENT OF HOMELAND SECURITY</b> <b>Immigration and Customs Enforcement</b></p> <p align="center"><b>REPORT OF INVESTIGATION</b></p>		<b>1. CASE NUMBER</b> 201409342
		<b>PREPARED BY</b> (b)(6)
		<b>2. REPORT NUMBER</b> 003
<b>3. TITLE</b> EMPLOYEE, UNKNOWN/Unknown/0600 Detainee/Alien - Sexual Harassment (Staff-on-Detainee)/WESLACO, HIDALGO, TX		
<b>4. FINAL RESOLUTION</b>		
<b>5. STATUS</b> Interim Report	<b>6. TYPE OF REPORT</b> Investigative Findings	<b>7. RELATED CASES</b>
<b>8. TOPIC</b> Transfer to CBP		
<b>9. SYNOPSIS</b> <p>On July 8, 2014, the Joint Intake Center (JIC), Washington, DC, received an email initially submitted by (b)(6), Case Manager, Lutheran Social Services of the South-Bokenkamp Children's Shelter, Corpus Christi, TX, regarding an allegation made on behalf of (b)(6) an unaccompanied alien child (UAC). UAC (b)(6) alleged during her seven (7) day stay with immigration in Weslaco, TX, she witnessed and also experienced an immigration officer conduct himself inappropriately towards her. Preliminary checks conducted by the JIC revealed that UAC (b)(6) was apprehended by Customs and Border Protection (CBP), Border Patrol Agents (BPAs) assigned to the Border Patrol, Weslaco, (BP/Weslaco), on May 27, 2014.</p> <p>This case file will be transferred to CBP for action deemed appropriate.</p>		
<b>10. CASE OFFICER (Print Name &amp; Title)</b> (b)(6) ICE-OPR Special Agent	<b>11. COMPLETION DATE</b> 23-JUL-2014	<b>14. ORIGIN OFFICE</b> ICE OPR (b)(6)
<b>12. APPROVED BY (Print Name &amp; Title)</b> (b)(6) ICE-OPR Special Agent Supervisor	<b>13. APPROVED DATE</b> 23-JUL-2014	<b>15. TELEPHONE NUMBER</b> No Phone Number
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## DEPARTMENT OF HOMELAND SECURITY

REPORT OF INVESTIGATION  
CONTINUATION

## 1. CASE NUMBER

201409342

## PREPARED BY

(b)(6)

## 2. REPORT NUMBER

003

## 10. NARRATIVE

## DETAILS OF INVESTIGATION

On July 8, 2014, the JIC received an email initially submitted by Quiroga regarding an allegation made on behalf of (b)(6) an UAC. UAC (b)(6) alleged during her seven (7) day stay with immigration in Weslaco, TX, she witnessed and also experienced an immigration officer conduct himself inappropriately towards her. Preliminary checks conducted by the JIC revealed that UAC (b)(6) was apprehended by BPAs assigned to the BP/Weslaco on May 27, 2014.


Queries in BPs E3 Detention Module revealed (b)(6) was in custody at BP/Weslaco from 5/26/2014 to 5/29/2014. On 5/29/2014, (b)(6) was transported to BP Fort Brown Station, Brownsville, TX, (BP/Fort Brown), where she stayed until 6/04/2014. On 6/04/2014, (b)(6) was released from BP/Fort Brown and transported to South-Bokenkamp Children's Shelter, Corpus Christi, TX. On 6/05/2014, (b)(6) was booked into the South-Bokenkamp Children's Shelter.


On July 21, 2014, Senior Special Agent (SSA) (b)(6) Office of Professional Responsibility, Harlingen, TX, (OPR/Harlingen), contacted juvenile coordinator, Deportation Officer (DO) (b)(6) Enforcement and Removal Operation, Houston, TX, (ERO/Houston), to determine (b)(6) current location. DO (b)(6) stated (b)(6) was released from South-Bokenkamp Children's Shelter to her mother, (b)(6) on June 18, 2014. DO (b)(6) provided contact information for (b)(6) who currently lives in Boston, MA.

On July 22, 2014, SSAs (b)(6) OPR/Harlingen, contacted (b)(6) in Boston, via telephone using telephone number (b)(6). (b)(6) confirmed she is the mother of (b)(6) is under her care. (b)(6) stated she was informed that (b)(6) had reported some type of mistreatment while in custody but did not know any details. (b)(6) gave consent for OPR (b)(6) agents to question (b)(6) about the alleged mistreatment, with her (b)(6) present.

(b)(6) stated she was treated well while in BP custody and never mistreated. (b)(6) said after her arrest, she was at one BP facility for three days and then transferred to another BP facility where she stayed for seven days. (b)(6) stated while in BP custody she was never inappropriately touched by BPA in either facility. (b)(6) also stated a BPA never made any inappropriate or sexual comments to her in either facility while in custody. (b)(6) said she never observed a BPA inappropriately touched another female or make inappropriate or sexual comments to another female. (b)(6) stated a BPA never acted



<div data-bbox="121 241 284 399"></div> <div data-bbox="389 168 998 210"><b>DEPARTMENT OF HOMELAND SECURITY</b></div> <div data-bbox="479 399 901 472"><b>REPORT OF INVESTIGATION CONTINUATION</b></div>	<b>1. CASE NUMBER</b>  201409342
	<b>PREPARED BY</b>  (b)(6)
	<b>2. REPORT NUMBER</b>  003
<b>10. NARRATIVE</b> <p>inappropriately to her knowledge.</p> <p>(b)(6) did state that while in custody at the second facility, she asked an unknown male BPA for female feminine products and the male BPA laughed, which made her upset.</p> <p>(b)(6) stated the BPA also pretended to touch her leg in a joking manner. (b)(6) said the BPA did not make contact with her leg, and she took the action as a joke. (b)(6) stated she did not take the actions by the BPA to be inappropriate in any manner.</p> <p>(b)(6) stated she does not know the name of the BPA and does not remember how the BPA looks. (b)(6) said she would not be able to identify the BPA if she is shown a picture of him. (b)(6) stated she does not know when this occurred, only that it was at the second BPA facility. (b)(6) said she was always together with a group of girls and was never isolated from the group. (b)(6) stated besides the other girls always being present, there were also other BPAs present.</p> <p>(b)(6) stated she did not report to South-Bokenkamp Children's Shelter's counselors that she was touched by a BPA only that the BPA pretended to touch her. (b)(6) said she did not tell the counselors a BPA conduct himself inappropriately or made inappropriate comments to her.</p> <p>SSAs (b)(6) talked with (b)(6) after the interview with (b)(6) (b)(6) (b)(6) stated she heard the conversation and is now aware of what occurred. (b)(6) does not feel anything inappropriate occurred and does not want to pursue the issue with any further action.</p> <p>This case file will be transferred to CBP for action deemed appropriate.</p>	

<div data-bbox="121 241 279 403"></div> <div data-bbox="394 174 993 210"><b>DEPARTMENT OF HOMELAND SECURITY</b></div> <div data-bbox="483 401 902 474"><b>REPORT OF INVESTIGATION</b> <b>Exhibit List</b></div>	<b>1. CASE NUMBER</b> 201409342
	<b>PREPARED BY</b> (b)(6)
	<b>2. REPORT NUMBER</b> 003
None	





Homeland  
Security

February 14, 2012

*Via electronic mail*

(b)(6)

Director

Alliance for Immigrants Rights & Reform - Michigan

(b)(6)

[michiganimmigrationreform.org](http://michiganimmigrationreform.org)

Dear (b)(6)

Thank you for your November 10, 2011 email to the U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) that included a copy of the Alliance for Immigrants Rights & Reform Michigan's "Border Patrol Racial Profiling Memo". The Memo concerns alleged civil rights violations in Michigan by U.S. Customs and Border Protection (CBP) personnel.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security. For additional information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

Your correspondence raises important policy concerns, and CRCL has reviewed the information you provided. A number of the incidents in the Memo had already been brought to DHS's attention by the time we received the AIR Memo, and CRCL had initiated reviews into those issues. For the other referenced incidents, CRCL is reviewing the issues raised in those matters to determine whether the incidents in question suggest the need for any changes to policy or policy implementation.

CRCL will contact you once our review is complete. If you have additional information you wish to send to us, please submit the information by e-mail to [crcl@hq.dhs.gov](mailto:crcl@hq.dhs.gov), by facsimile to 202-401-4708, or by standard mail to the following address:

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop 0190  
Washington, DC 20528

Please be advised that CRCL's complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on behalf of individuals. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If individuals you know believe their rights have been violated, they may wish to consult an attorney. There may be time limitations that govern how quickly they need to act to protect their interests.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of the complaint involving that individual.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting CRCL. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. If you have questions, please contact us.

Sincerely,



Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

From: [CRCL](#)  
To: [\(b\)\(6\) chiganimmigrationreform.org](#)  
Subject: Follow-up from DHS CRCL regarding AIR Michigan Memo  
Date: Tuesday, February 14, 2012 10:25:00 AM  
Attachments: [11.10.2011 AIR Michigan email DHS CRCL Letter Final.pdf](#)

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Dear [\(b\)\(6\)](#)

Attached please find a letter from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) regarding information you provided to CRCL on November 10, 2011 in the Alliance for Immigrants Rights & Reform Michigan's "Border Patrol Racial Profiling Memo". Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



*This message may contain attorney-client communications, attorney work product, and agency deliberative communications, all of which may be privileged and not subject to disclosure outside the agency or to the public. Please consult with the Department of Homeland Security, Office of the General Counsel before disclosing any information contained in this email.*



Alliance for Immigrants  
Rights & Reform Michigan

## ***AIR Border Patrol Racial Profiling Memo***

Contact: (b)(6) (b)(6) michiganimmigrationreform.org  
(b)(6) (b)(6) michiganimmigrationreform.org

Border Patrol and the Office of Field Operations (under the auspices of the Bureau of Customs and Border Protection, CBP) are charged with guarding our nation's border areas, such as the Ambassador Bridge or Windsor Tunnel. Border Patrol and OFO have important jobs—interdicting drug smugglers, stopping human traffickers, and preventing terrorists from entering the country.

However, the following incidents are not examples of effective law enforcement. Rather, they are abuses of power, racial profiling, and a waste of taxpayer resources that should be properly focused on the border itself, not the neighborhoods where immigrants, Latinos, and Arab-Americans live. What we have documented is just a small portion of the activity, and represents those victims who were fortunate enough to contact an advocacy organization.

Racial profiling by Border Patrol, in combination with abusive enforcement by ICE and local police, has created a climate of fear and hostility in Southwest Detroit and other immigrant communities. Many residents are simply afraid to go about their daily business, in what has been one of Detroit's most vibrant neighborhoods, for fear of harassment.

**Worse, Border Patrol seems to be targeting human services agencies and churches that serve immigrants.** This is a cruel policy, and clearly a waste of our tax dollars.

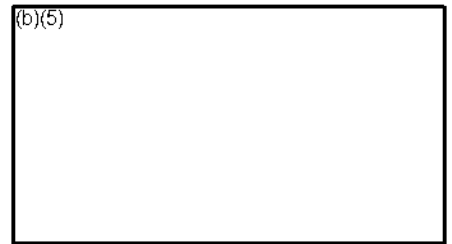
Below is a compilation of abusive incidents collected by AIR staff and volunteers. The most recently documented incidents, which have not been previously released, are listed first.

**July 25, 2011: Border Patrol and OFO Agents Detain Man on Grounds of St. Anne's Church During Mass**

(b)(5)



During a Monday night Mass to celebrate the Novena to St. Anne, at least 4 vehicles from the Office of Field Operations (blue stripe) and the Border Patrol (green stripe) were spotted in the east parking lot of St. Anne's Catholic Church. Volunteers directing traffic approached the officers and asked what was going on. They were not given an explanation. A man, who had been driving, was put in handcuffs and detained in the parking lot for nearly an hour. He was let go after Border Patrol established, apparently, that there was not a problem with his documentation. The officers eventually agreed to move their operation off of church property after repeated protestations by the church pastor.



**October 15, 2010: Children detained by Border Patrol, including Green Card holders, subsequently used as "bait" for parent**

The morning of October 15<sup>th</sup>, five Latino youths were at Riverfront Park. The youths were committing no crimes or suspicious activity. They were approached by two Border Patrol agents in two cars, and were ordered to stay together for interrogation. Agents detained (b)(6) (last name withheld), who admitted to being undocumented, and two other youths who told the officers that they had Green Cards.

At the station, the youths who held Green Cards were held for over an hour, and were eventually released after their status had been verified. They were apparently held because they only spoke Spanish.

(b)(6) was told that his mother would have to come pick him up. (b)(6) asked the officers if his mother could get in trouble, and the officers assured him that there was no problem. When (b)(6) mother arrived to pick him up, she was questioned, detained, and now both she and (b)(6) are in deportation proceedings. Agents mocked (b)(6) when his mother arrived, saying that they'd "changed their minds."

**Freedom House Incidents**

*Freedom House is a residential legal and integration assistance program for political refugees from across the world. Located on the grounds of St. Anne's Church in Detroit, they have served the needs of refugees and asylum seekers for 30 years.*

**July 16, 2010 (12:30 pm)**

An Iranian refugee, resident at Freedom House, exited the bus at Fort Street beneath the Ambassador Bridge. The resident was immediately stopped by Border Patrol. Despite presenting his valid work authorization and valid Michigan state ID, he was detained and questioned for several hours.



Freedom House refugees and asylum seekers have been harassed at this bus stop and surrounding area numerous times. The residents of the refugee center have stopped leaving the building for fear of harassment, and are unable to run simple errands, attend classes or other services, or tend to their community garden. The inability of residents to leave the building has made it nearly impossible for Freedom House to continue to provide the integration and

education services that they have provided for nearly thirty years.

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#### **Latino Family Services Incidents**

*Latino Family Services has been serving the community of Southwest Detroit since 1971. Their services include a food pantry, utility assistance, addiction counseling, youth tutoring, English language classes, and health promotion.*

(b)(5)

#### **April 2011: Legal Permanent Resident Harassed outside Latino Family Services**

(b)(6) a legal permanent resident, was walking to his vehicle on Vinewood next to Latino Family Services. A CBP officer arrived by car, stopped Mr. Flores, and demanded to see his ID.

#### **April 27th, 2011, Detroit: Director of Agency Harassed, Client Detained**

(b)(6) the Director of Latino Family Services, arrived at the agency at approximately 8:30 AM and parked on Vinewood. There, she saw a CBP officer in a vehicle questioning one of her clients (b)(6) through the open window. The officer saw (b)(6) and moved his car to cut her off. The officer attempted to trap (b)(6) in her car by positioning his vehicle in front of her driver's side door. However, (b)(6) was still able to open the door just wide enough to exit. The CBP vehicle then retreated, and the officer arrested Clemente, who was later deported.

#### **May, 2011, Detroit: Agency Employee Harassed**

(b)(6) an employee of Latino Family Services, parked on Vinewood in the morning and was walking in to work. A CBP officer followed her from her car, and rolled down his window to question (b)(6). When (b)(6) confronted the officer, he drove off.

#### **May 5, 2011, Detroit: CBP Officers Circle Agency During Cinco de Mayo Celebration**

Latino Family Services was holding a Woman's Forum event in the afternoon, and approximately fifty community members were participating. (b)(6) received a report that there were "immigration" agents outside. She exited the agency to West Grand Boulevard, and saw a convoy consisting of a CBP patrol car and half a dozen officers on bicycles. The officers proceeded South on West Grand Blvd, and split into two groups. One group turned left, and proceeded down Jefferson, while the second group circled back up Vinewood towards LFS.

This second group circled LFS several times for at least 20 minutes before departing.

#### **May 30, 2011, Detroit: Director's Husband Followed from Agency, Stopped**

(b)(6) a legal permanent resident, left Latino Family Services, and drove Southwest on Fort Street. From the agency, he was followed by a CBP vehicle who followed close behind. Near Clark Street, the vehicle rapidly accelerated, cut (b)(6) off, driving at an angle in front of his car and coming to a halt. The officers rolled down their windows. When (b)(6) demanded to know what they wanted, they departed.

---

(b)(5)

**February 2010, Wyandotte: CBP stops Latina Woman on Freeway, for no reason**

On her way to work in the morning of February, 2011, (b)(6) a legal permanent resident, was stopped on I-94 by a CBP agent. They asked for her immigration papers, which she presented, rather than any driving information. (b)(6) asked why she had been stopped, and the officer did not reply. She had done nothing wrong.

(b)(5)

**October 28, 2010, Detroit: CBP Stops Latino Man With No Probable Cause, Subsequently Denied Medication While in Detention**

A Border Patrol Officer stopped (b)(6) on Fort Street, claiming he looked suspicious. (b)(6) had recently received a kidney transplant, and was holding his side in pain. CBP claimed this looked like (b)(6) was concealing a weapon. No weapon was ever found. While in detention overnight at Dearborn City Jail, night shift officers denied (b)(6) his kidney medication. The water available in his cell was so full of contamination, that (b)(6) needed to let the dirt drift to the bottom of his cup before drinking it.

(b)(5)

**May 5<sup>th</sup>, 2011, Detroit: Border Patrol Office of Field Operations Stationed Outside Hispanic Agency**

(b)(6) identified and recorded a Border Patrol Office of Field Operations vehicle parked outside of her office, the Detroit Hispanic Development Corporation. The vehicle was stationed outside the agency for approximately 10 minutes. The staff has noticed the same sort of vehicle before, usually parked around the time English classes get out, but had not begun to document their sightings. The presence of CBP/OFO at the agency instills fear in clients, and DHDC has noticed a significant decline in their social service programs and language classes as a result.

**May 10<sup>th</sup>, 2011, River Rouge: CBP Rounds Up Two Landscaping Workers**

A CBP officer approached (b)(6) and (b)(6) to ask for their documents while they worked on a landscaping job in Grosse Isle. Border Patrol had no reason to suspect these men of any criminal act.

**June 3, 2011, Detroit: Immigrant Waiting for Bus Is Asked for Papers**

At 6:30am (b)(6) was waiting for the bus near the corner of Green and Fort Street. A CBP vehicle pulled up to him and asked him for his name and identification. After showing his *matricula* he was asked if he was "illegal" and arrested.

**June 11, 2011, Detroit: CBP Singles Out Latino Fisherman for ID Check**

On the afternoon of June 11<sup>th</sup> (b)(6), and his brother (b)(6), both US Citizens, were fishing in the Detroit river near Jefferson and Livernois. There was a group of about 10 other people fishing at the same location. Border Patrol arrived on the scene and proceeded directly to question (b)(6) regarding their immigration status. They also questioned another individual, according to (b)(6) who was Asian. The officers ignored the rest of the group, who appeared African-American and Caucasian.

**June 22<sup>nd</sup>, 2011, Detroit: Latino Citizen Stopped by Border Patrol and Questioned**

(b)(5)

**Aggressively**

(b)(6) a US Citizen, was giving a tour of Detroit to a visiting friend from Germany, (b)(6) who was driving a rented Mazda. The two were driving away from Riverside Park, where they had taken some photos of the Detroit skyline and the Ambassador Bridge. (b)(6) and (b)(6) were driving down 23rd Street toward Fort, and a CBP vehicle driving in the opposite direction, and pulled a u-turn as (b)(6) turned on to Fort. With lights flashing, the CBP vehicle pulled (b)(6) over near the corner of Fort and West Grand Blvd. A CBP officer approached the vehicle, and asked (b)(6) the driver, for his license and registration. (b)(6) presented his documents, and informed the officer that he as a visitor on business, but that his passport was in the hotel. The officer returned (b)(6) documents, and reminded him of the need to carry his passport. During this time, a second CBP car arrived on the scene. The first officer then began to question (b)(6) aggressively and unprofessionally regarding his citizenship. The pair were detained for nearly half an hour-- and only the first few minutes were spent questioning (b)(6). The agents focused their interrogation on (b)(6) making light of his Hispanic name, despite the fact that he was born in Detroit. Eventually the two were released without an explanation.

**August 6<sup>th</sup>, 2011: Border Patrol Car Stationed Outside Hispanic Church during Sunday Services**

A Border Patrol car was stationed behind Casa de Mi Padre Evangelical Church, in Lincoln Park, during morning services. After receiving numerous panicked reports from the congregation, the pastor exited the church and confronted the officers. He asked them why he was behind his church. They responded that they were "watching traffic," and then departed.

**August 10<sup>th</sup>, 2011: Border Patrol Car Stationed in Church Parking Lot**

(b)(6) a church elder at St. Stephen's Lutheran Church, arrived at the church at approximately 12:30 pm. He found a single Border Patrol car stationed in the parking lot. Solano confronted the agents, and asked what they were doing at the church. The agents replied that they were doing a U-turn, and drove off. How the agents could have been making a u-turn while being stationary is unclear.





**Homeland  
Security**

January 12, 2011

(b)(6)

The Florence Immigrant and Refugee Rights Project  
202 E. McDowell Road #250  
Phoenix, AZ 85004

Re: Complaint No. 11-02-CBP-0043 on behalf of (b)(6)

Dear (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your complaint on November 30, 2010. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by this Office. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL will contact you with the anticipated course of investigation for your complaint and will ultimately notify you of the outcome.

Please be advised that our complaint process does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, e-mail, and mailing address if available. You may contact CRCL by email at [crcl@dhs.gov](mailto:crcl@dhs.gov), by facsimile at 202-401-4708, by phone at 866-644-8360, 866-644-8361 (TTY), or by mail at the following address:

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop 0190  
Washington, DC 20528

For additional information about CRCL's roles and responsibilities, see our website at <http://www.dhs.gov/crcl>.

If you are filing a complaint on behalf of an individual, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint. When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter. Thank you again for contacting the Office for Civil Rights and Civil Liberties. Communications like yours are essential to our ability to carry out our role of supporting the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns.

Sincerely,



Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties

### **Privacy Act Statement**

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, the Office for Civil Rights and Civil Liberties (CRCL) is authorized to investigate complaints and information from the public about possible violations of civil rights or civil liberties related to DHS employees, programs, or activities. A federal law, called the Privacy Act, says we must explain how we protect your information while processing your complaint. CRCL may disclose certain information from your complaint if we are required by law to do so or if there is no privacy impact. For example, we send reports to Congress every three months about complaints submitted by the public. Those reports describe the types of complaints, and do not include personal information. To read our past reports, go to [www.dhs.gov/CRCL](http://www.dhs.gov/CRCL). To learn more about the Privacy Act, go to the Federal Information Center, [www.pueblo.gsa.gov](http://www.pueblo.gsa.gov).





**Homeland  
Security**

January 24, 2011

*Via Electronic Mail*

(b)(6)

(b)(6)

[aicestexas.org](http://aicestexas.org)

Re: Complaint No. 11-02-ICE-0052 on behalf of (b)(6)

Dear (b)(6)

The Department of Homeland Security's Office for Civil Rights and Civil Liberties (CRCL) received your correspondence on November 30, 2010. Thank you for contacting us with your concerns. CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department of Homeland Security.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by this Office. Initially, we will send your complaint to the DHS Office of the Inspector General for review. If the Inspector General declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL will contact you with the anticipated course of investigation for your complaint and will ultimately notify you of the outcome.

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If you have not already done so, please provide CRCL with your complete contact information, including a phone number, e-mail, and mailing address if available. You may contact CRCL by email at [crcl@dhs.gov](mailto:crcl@dhs.gov), by facsimile at 202-401-4708, by phone at 866-644-8360, 866-644-8361 (TTY), or by mail at the following address:

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch  
245 Murray Lane, SW  
Building 410, Mail Stop 0190  
Washington, DC 20528

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Sincerely,



Jeffrey S. Blumberg  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties

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(b)(6)

**From:** (b)(6) raicestexas.org]  
**Sent:** Friday, December 03, 2010 5:06 PM  
**To:** CRCL  
**Subject:** Re: Complaint No. 11-01-CBP-0014, (b)(6)  
**Attachments:** CBP consent-(b)(6).pdf

Director for Review and Compliance  
Office for Civil Rights and Civil Liberties

Dear Sir or Madam:

In response to a letter I received November 29, 2010 in reference to complaint no. 11-01-CBP-0014, submitted October 12, 2010, I would like to notify you that the complaint was submitted on behalf of a minor who was in immigration custody. Said minor has since been released to a family member in another part of the country. However, along with the complaint, we submitted written consent for me to receive "all records and information about [his] complaint" on his behalf. Attached is a copy of that consent form, originally included with the complaint. If I can provide any other assistance, please do not hesitate to contact me.

Sincerely,

--

(b)(6)

*BIA Accredited Representative  
Pro Bono Coordinator*

Refugee and Immigrant Center  
for Education and Legal Services  
1305 N. Flores Street  
San Antonio, TX 78212

(b)(6)

E-FAX: (210) 212-4856

Confidentiality Notice: The information contained in this e-mail and any attachments may be legally privileged and confidential. If you are not an intended recipient, you are hereby notified that any dissemination, distribution or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify the sender and permanently delete the e-mail and any attachments immediately. You should not retain, copy, or use this e-mail or any attachment for any purpose, nor disclose all or any part of the contents to any other person. Thank you.

From: (b)(6)  
To: (b)(6)  
Cc: (b)(6)  
Subject: RE: CRCL Complaint Number 12-02-CBP-0024  
Date: Tuesday, November 29, 2011 10:11:26 AM

---

*Office of Inspector General*

U.S. Department of Homeland Security



**Homeland  
Security**

The below information has been reviewed and is returned for whatever administrative action or inquiry you consider appropriate. Should any administrative or personnel action result from your response to this information, you are requested to report the final result of that action within 30 business days of its conclusion.

If your review of this matter discloses evidence of previously unreported criminal misconduct that is reportable under Management Directive 0810.1, you are required to notify this office of that information before any additional investigative steps are taken.

---

From: (b)(6) HQ.DHS.GOV]  
Sent: Friday, November 25, 2011 4:35 PM  
To: (b)(6)  
Cc: (b)(6)  
Subject: CRCL Complaint Number 12-02-CBP-0024

(b)(6)

Summary of new complaint for your review:

On November 14, 2011, CRCL received email correspondence from (b)(6) of Alliance for Immigrants Rights & Reform Michigan (AIR) who produced a memo titled, "AIR Border Patrol Racial Profiling Memo".

Allegedly, on October 15, 2011, at Riverfront Park, two border patrol officers interrogated five Latino youth, then detained one child that was undocumented and used the child who is identified as (b)(6) in order to bait his mother by getting him to call his mom and tell her to pick him up from the station. Allegedly, both (b)(6) and his mother are in deportation proceedings.

Thank you

-----

(b)(6)

Program Analyst  
Compliance Branch  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security



**From:** (b)(6)  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** CRCL inquiry re: 11-12-CBP-0323  
**Date:** Monday, December 17, 2012 3:22:57 PM  
**Attachments:** I-213 (b)(6).pdf

---

Hi (b)(6)

I'm (b)(6) from CRCL. I'm helping CRCL close their backlog, and this is one of the cases that I'm handling. It's CRCL case no. 11-12-CBP-0323, (b)(6) who was an unaccompanied alien child. The allegation is that while being transferred from Texas to a juvenile shelter in Arizona, one of the ICE transporting agents "friended" him on Facebook and let him use the officer's smartphone to accept the request. We don't know the exact date of the transfer, but based on the dates in the I-213 (attached), it was likely sometime in the second week of August 2011.

We just learned from CBP that it was ICE who transferred him. Per the below, CBP transferred the complaint to ICE OPR. If I may please ask: is there, or will there be, an ICE OPR investigation into this matter?

Please feel free to contact me with any questions.

Thanks,

(b)(6)

(b)(6)

DHS Office for Civil Rights and Civil Liberties

(b)(6)

(b)(6) [hq.dhs.gov](http://hq.dhs.gov)

---

**From:** (b)(6)  
**Sent:** Monday, December 17, 2012 2:51 PM  
**To:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** FW: Short Form 11-12-CBP-0323

Adding (b)(6)

Thanks very much (b)(6) time as a law clerk here has expired, so I am looping (b)(6) in on your response.

(b)(6)

---

**From:** (b)(6)  
**Sent:** Monday, December 17, 2012 2:44 PM  
**To:** (b)(6)  
**Cc:** (b)(6)



**Subject:** Short Form 11-12-CBP-0323

(b)(6)

Reference above-captioned Short Form. Mr. (b)(6) I-213 was discovered (see attachment) and reflects he was transported by ICE.

Accordingly, CBP IA transferred the matter to ICE OPR.

From: (b)(6)  
To: (b)(6)  
Cc: (b)(6)  
Subject: FW: New CRCL Short Form Complaint (11-12-CBP-0323)  
Date: Wednesday, May 16, 2012 6:03:50 PM  
Attachments: 11-12-CBP-0323 Complaint.pdf

(b)(6) - can you check to see if we have anything open on this and if not, queue for file opening?

(b)(6) - new CRCL Short Form entry.

From: (b)(6) [Q.DHS.GOV]  
Sent: Wednesday, May 16, 2012 4:42 PM  
To: (b)(6)  
Cc: (b)(6)  
Subject: New CRCL Short Form Complaint (11-12-CBP-0323)

(b)(6) is out on medical leave, so I will be handling some of her CBP complaints during that time.

CRCL received information from HHS ORR regarding Mr. (b)(6)

(b)(6) an unaccompanied minor, regarding an incident that apparently occurred during his transport from Houston, Texas to Phoenix, Arizona. HHS ORR referred this case to CRCL on September 12, 2011. CRCL has opened a complaint into his allegations (11-12-CBP-0323).

The facts of the incident are unclear, including the date of transport. On August 23, 2011, (b)(6)

(b)(6) alleged to clinician (b)(6) that one of the two individuals who transported him had "friended" him on Facebook, and (b)(6) stated that the individual allowed (b)(6)

(b)(6) to borrow his phone to accept the "friend request." However, on October 13, 2011, the program reported via e-mail that (b)(6) does not have a Facebook account.

CRCL is looking into (b)(6) allegations. We request the following information:

- Was CBP responsible for (b)(6) transportation?
- Do either of the individuals who transported (b)(6) have Facebook accounts?
- Do either of the individuals who transported (b)(6) have smartphones capable of accessing Facebook?
- Are either of the individuals who transported (b)(6) currently friends with (b)(6) on Facebook or any other social media website?

• Any applicable policy on social media.

(b)(6) complete A-file.

(b)(6) -213 and any incident report on file.

If you have any questions or if you need additional information, please let me know.

Thank you for your help.

Best regards,

(b)(6)

Office for Civil Rights and Civil Liberties

(b)(6)

<http://www.dhs.gov/crci>



**Homeland  
Security**

November 24, 2014

*Via Electronic Mail*

(b)(6)

609 Beyer Way 306  
San Diego, CA 92154

Re: Contact No. Contact-DIIS-14-0653

Dear (b)(6)

The U.S. Department of Homeland Security's (DHS) Office for Civil Rights and Civil Liberties (CRCL) received information from you on May 27, 2014. It was referred to CRCL by Department of Homeland Security Office of Inspector General. Thank you for bringing your concerns to our attention.

After carefully reviewing the information you provided, CRCL has recorded the issues you have raised in our database so that we can track those issues in order to identify patterns of violations of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion by employees and officials of the Department of Homeland Security. CRCL will take no further action on your information at this time. For more information about CRCL's roles and responsibilities, please visit our website at <http://www.dhs.gov/crcl>.

Please be advised that CRCL does not provide individuals with legal or procedural rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use information in correspondence like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting the Office for Civil Rights and Civil Liberties. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



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0610093250Z :DB

RETURN TO SENDER  
UNDELIVERABLE  
NOT DELIVERABLE  
RECEIVED BY ADDRESSEE

AT 120/2100 6001 31 816 SIX SIX SIX



Security

(b)(6)

San Diego, CA 92154

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